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Letter dated 18 September 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the South Pacific Forum countries, represented at the United Nations, I am pleased to forward herewith the official communiqué signed by all Heads of Government of the South Pacific Forum at Madang, Papua New Guinea, on 15 September 1995.

I request that this communiqué be widely disseminated to the general membership of the United Nations as a document of the General Assembly during this historic fiftieth session, under agenda items 29, 39, 47, 65, 70, 90, 94, 95, 96, 97, 100 and 112.

(Signed) Max H. RAI
Deputy Permanent Representative
Chargé d'affaires a.i.

ANNEX

Communiqué of the Twenty-sixth South Pacific Forum, held at Madang, Papua New Guinea, from 3 to 15 September 1995

1. The Twenty-sixth South Pacific Forum was held at Madang from 13 to 15 September 1995, and was attended by Heads of State and Government, or their representatives, of Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

2. The Forum thanked the people and the Government of Papua New Guinea for the generous hospitality provided to all delegations to the Forum. It welcomed Palau by acclamation as its sixteenth member, and invited Palau to accede to the Forum Secretariat Agreement. The Forum also extended warm congratulations and good wishes to the Government and people of Papua New Guinea on the occasion of the twentieth anniversary of the country's independence. The Forum expressed its deep appreciation to the outgoing Chairman for his excellent leadership.

Securing development beyond 2000

3. The Forum's considerations focused on the theme "Securing development beyond 2000", and leaders adopted a Plan of Action (appendix I) for implementation, following valuable informal discussions at their retreat. The Plan of Action gives close consideration to a wide range of strategies, recognizing that security involves strengthening national and regional relations, especially capacities to sustain development in the medium and long term, as well as regional stability.

Vision statement

4. The leaders adopted the South Pacific Forum Vision Statement (appendix II), presented by the Chair of the Forum and Prime Minister of Papua New Guinea, setting out a vision for enhancing regional cooperation over the next quarter century. The Forum believed this statement sets out clear visionary but achievable goals, based on its members' many shared interests and building on the Forum's tradition of close regional consultation, which would significantly strengthen the region's capacity to adapt to a rapidly changing international and regional environment.

Nuclear testing

5. Forum leaders issued a statement (appendix III) expressing their extreme outrage at the resumption of French nuclear testing in the Pacific. They again demanded that France desist from any further tests. The outrage of Forum member countries was so much the greater because of the intransigence of France, together with the People's Republic of China, in persisting with their nuclear tests in the face of the strong views of the Pacific region. The Forum endorsed the Lakatoro Declaration by the Melanesian Spearhead Group, and the Declaration by the South Pacific Environment Ministers Meeting, held in August 1995.

Development

6. The Forum welcomed progress in the issues to which leaders had committed themselves at the 1994 Brisbane Forum.

Regional air services

7. Leaders noted the positive developments which had taken place in aviation in the region since the 1994 Forum, especially the steps taken to stem the substantial losses being incurred by some airlines. They endorsed the outcome of the Joint Meeting of Aviation Authorities and Operators, and the recommendations of ministers responsible for aviation meeting at the South Pacific Regional Civil Aviation Council. Leaders considered that these recommendations provided an appropriate framework within which Governments and airlines could work together, both at a national level and regionally, to improve further the performance of the aviation industry in supporting national economic development and social needs in the South Pacific. They noted concerns that raising capital for equipment purchases would be a crucial problem, and supported representations, especially by the recently formed regional subgrouping of Nauru, Tuvalu, Kiribati and the Marshall Islands, being made to the Asian Development Bank to change its policies to allow it to finance aircraft purchases, as it already financed other transportation infrastructure development.

8. Leaders agreed to convene a meeting of regional ministers of civil aviation, aviation authorities, airline representatives and other related experts at Rarotonga in early 1996 to advance through cooperative initiatives the further development of civil aviation services throughout the Forum region. Leaders expressed their appreciation for the report on rationalization of air services in the South Pacific, and of the work of the Association of South Pacific Airlines for its positive support in developing that framework.

Fisheries

9. The Forum welcomed and noted the significance of the adoption at New York on 4 August 1995 of the Agreement for the Implementation of the Provisions of the United National Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and urged all interested States to become parties to the Agreement as soon as possible.

10. The Forum expressed its appreciation for the outstanding work of the United Nations Conference Chairman, Mr. Sarya N. Nandan (Fiji), in bringing the Conference to a successful conclusion with the adoption by consensus of the Agreement. The Forum also expressed its appreciation to the Forum Fisheries Agency for its work in coordinating and formulating the regional input to the United Nations Conference discussions.

11. In the light of the outcome of the United Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Forum considered that comprehensive regional fisheries management arrangements, and a structure consistent with the Conference outcome to administer them, should be developed as a matter of

urgency. The Forum registered its view that those management arrangements must be based on a precautionary approach to ensure the sustainable exploitation of the regions's valuable tuna resources.

12. Forum leaders noted significant progress in the implementation of regional fisheries commitments over the last year, including the conclusion of the Federated States of Micronesia Arrangement for Regional Fisheries Access; the region's significant contribution to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; work to develop comprehensive regional fisheries management arrangements; progress in the pursuit of multilateral fisheries access arrangements; and progress in the development of the regional Vessel Monitoring System.

13. The Forum supported continued efforts to conclude additional multilateral fishing agreements with Distant Water Fishing Nations, ensuring that in doing so no member country would be made worse off than it was under its existing bilateral fishing agreements.

Law of the sea

14. The Forum urged all Forum member countries to become parties to the 1982 United Nations Convention on the Law of the Sea at the earliest opportunity.

Forestry

15. Forum members endorsed the draft code of conduct on logging and committed themselves to implementation of its provisions as part of their national codes.

Shipping

16. The Forum accepted the recommendations of the Regional Shipping Council regarding the future management and operations of the Pacific Forum Line.

Tourism

17. The Forum noted that the South Pacific lay at the centre of one of the most rapidly growing tourism networks in the world. Leaders agreed, therefore, to direct their respective tourism authorities to explore options for increasing joint promotions, both within and beyond the region. In particular, they will examine transport needs, including national facilities and international links, as well as needs - and openings for investment - in relation to accommodation.

Economic policy issues

18. The Forum supported a number of national policy measures and regionally based activities which would contribute to the aim of securing development beyond 2000. These included:

(a) Securing the potential benefits of globalization by enhancing competitiveness through promoting price stability (low inflation); avoiding artificial distortions to the prices of domestic resources (land, labour, capital); reducing trade taxes and import duties, which adversely affect export

competitiveness; and removing implicit and explicit barriers to foreign direct investment;

(b) Adopting and implementing the investment principles agreed to by members of Asia Pacific Economic Cooperation (APEC), as a signal to potential investors of the region's serious intentions to promote and encourage foreign direct investment;

(c) Working towards implementation of trade reform measures as required by GATT/World Trade Organization, including by replacing non-tariff barriers with tariffs, and setting a time-frame for minimizing tariff levels;

(d) Promoting trade both within and outside the region by harmonizing and standardizing administrative procedures in the areas of customs and quarantine, labelling and packaging, phytosanitary and other sanitary requirements, export/import controls, exchange controls and technical standards;

(e) Improving public sector efficiency and cost-effectiveness by rationalization of public services; attention to policy coherence and commitment to the principle of good governance; and strengthening cooperative relationships between government ministries and agencies;

(f) Improving aid management and regional cooperation by endorsing the proposed regional strategy;

(g) Recognizing the valuable contribution of the agricultural sector to domestic food security, export development, incomes and employment and the need for positive measures in support of agricultural development, including minimizing price distortions and promoting agricultural research and information dissemination, for both marketable and subsistence crops;

(h) Enhancing development by the adoption and maintenance of appropriate and sustainable fiscal policy settings;

(i) Placing greater emphasis on population management strategies as a fundamental way of accelerating development;

(j) Ensuring that development strategies place appropriate emphasis on the promotion of outer island and remote community development.

19. The Forum noted that a continuing concern for the countries of the region was that flows of economic assistance, bilaterally and multilaterally, were reaching a ceiling, with many donors reducing assistance or diverting it to economies outside the region. It urged the donor community not to forget he needs of the Pacific region. In this context the Forum appreciated the continuing increase in Japanese assistance. At the same time, it also urged Japan to give favourable consideration to rendering assistance to a wider range of regional organizations, especially of the South Pacific Regional Environment Programme (SPREP) programmes which were of central importance to the sustainable development prospects of Pacific island countries.

Forum finance ministers meeting

20. Forum leaders welcomed the outcome of the Forum finance ministers meeting in 1995. They agreed that finance ministers should meet again at Port Moresby in December 1995 to develop further that outcome.

Representative office, Tokyo

21. The Forum expressed its appreciation to the Government of Japan for providing funding assistance for the recently completed feasibility study on the establishment of the South Pacific Economic Exchange Support Centre in Tokyo to promote trade, investment and tourism between Japan and the Forum island countries, and strongly reaffirmed its commitment to the Centre. It looked forward to a positive decision on support for the Centre from Japan in the context of its 1996 budget. The Forum agreed also to approach similarly other Governments and international organizations for assistance in mounting regional promotions, including permanent South Pacific trade commissions, in East Asia, Europe and North America.

Social issues

Participation in international conferences

22. The Forum noted with satisfaction the significant contribution made by Pacific Island countries to the outcome of the recent international conferences on population and development, social development and women. It encouraged regional efforts to integrate population and environment concerns. The Forum also lent formal support for the World Food Summit to be convened by the Food and Agriculture Organization of the United Nations in November 1996.

Pacific children and the Convention on the Rights of the Child

23. The Forum restated its support for the welfare of Pacific children and encouraged Pacific island countries which had not yet done so to become parties to the Convention on the Rights of the Child. The Forum noted the Pacific Culture of Peace Festival for Children which had been hosted by the Cook Islands and sponsored by UNESCO, sharing the sentiments expressed in the children's appeal to world leaders on children's rights, peace and the environment.

Environmental issues

Climate change

24. The Forum reaffirmed the importance of climate change to the region, recognizing the threat posed to Forum island countries. It welcomed the outcome of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held at Berlin from 28 March to 7 April 1995, the early commencement of negotiations aimed at strengthening the Convention and the inclusion of the draft protocol of the Alliance of Small Island States for consideration in the negotiating process. The Forum stressed the priority that should be given to programmes in support of the objectives of the Framework Convention, including reduction of greenhouse gas emissions, enhancement of

sinks, energy efficiency, renewable energy sources, and research assisting countries to meet their obligations under the Convention.

Global Environment Facility

25. The Forum endorsed the draft Pacific Strategy for accessing Funds of the Global Environment Facility (GEF). It called on GEF in particular to support activities that would enable countries to implement the Framework Convention and plan for adaptation to climate change. The Forum commended a preliminary portfolio of projects to GEF for its support.

Barbados Programme of Action

26. The Forum called on all members, development partners, the United Nation system and regional organizations to participate actively in the regional consultative mechanism, including through the provision of necessary information to SPREP and the Pacific Operations Centre of the Economic and Social Commission for Asia and the Pacific, and to work in cooperation with the mechanism's advisory committee.

Biodiversity

27. The Forum reiterated the importance of the Biodiversity Convention. It called on all members to become parties to the Convention and to participate to the fullest possible extent in the meetings of the contracting parties to the Convention. The Forum supported international action to develop a framework on biosafety and to consider the need for, and modalities of, a protocol on biosafety taking into account the specific needs and circumstances of small island developing States. The Forum commended the work programme on marine biodiversity as being in the strong interest of Forum members.

28. The Forum recorded its support for the initiative taken under the Convention on International Trade in Endangered Species to facilitate the involvement in and accession to the Convention of small island States, and urged members to consider accession. Leaders commended the successful SPREP campaign for the Year of the Sea Turtle (1995). It called upon members to extend the moratoria established on commercial takes of sea turtles, and support conservation projects building on the awareness created by the Year of the Sea Turtle campaign.

International Coral Reef Initiative

29. The Forum encouraged member Governments to endorse the call to action of the International Coral Reef Initiative and to develop national efforts to develop the framework for action of that Initiative.

Coastal Protection Action Plan

30. The Forum agreed to give serious consideration to the Action Plan on Coastal Protection.

Ocean issues

31. The Forum reiterated the importance of the oceans to its members and expressed its support for efforts to protect the oceans from land-based and other sources of pollution. The Forum noted that an intergovernmental conference to be held in Washington, D.C., in October 1995 is to consider a global programme of action for the protection of the marine environment from land-based activities.

Hazardous and radioactive wastes

32. The Forum adopted the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention) for signature on 16 September 1995. The Convention was an important milestone in banning the importation of all hazardous and radioactive wastes from outside the Convention area to Pacific island developing States parties, and ensuring that any transboundary movements of hazardous wastes within the Convention area were completed in a controlled and environmentally sound manner. The Forum thanked the working group of officials and the secretariat for the intensive work put into completing the Convention since the 1994 Forum. The Forum urged all members to sign and ratify the Convention expeditiously to bring it into effect as soon as possible, in accordance with their national processes.

33. The Forum recalled in this context its continuing opposition to dumping of radioactive waste at sea and called for universal adherence to the prohibition of this practice by the London Convention of 1972. It reiterated its support for the London Convention and the need for its effective enforcement.

34. The Forum expressed the region's continuing concerns about the Johnson Atoll Chemical Agent Destruction System, reiterating its consistent past position that the facility should be permanently closed when the current programme of chemical weapons and agent destruction was completed.

Political and security issues

New Caledonia

35. The Forum noted that, while implementation of the Matignon Accords had continued smoothly and generally positively in the past 12 months, the territory's long-term political and constitutional future remained uncertain. The Forum felt that, as the count-down to the 1998 referendum began in earnest, regional monitoring of the situation should be stepped up. This included reactivating, in cooperation with the French authorities, the Forum's Ministerial Committee on New Caledonia. The Forum reiterated its view that the 1998 referendum should closely follow accepted United Nations principles and practices.

36. The Forum reaffirmed its support for continuing contacts with New Caledonia as a constructive contribution towards the Matignon process. It noted the

particular role of the Kanak Training Fund in this, and the Fund's continuing successful operation.

Law enforcement cooperation

37. The Forum commended the continued progress in implementation of the Honiara Declaration on Law Enforcement, and the developing Secretariat programme in the area. It expressed appreciation for the cooperation in this programme of specialist regional law enforcement agencies. The Forum noted in particular the process of modernizing extradition laws in the region, in cooperation with the Commonwealth Secretariat and the Pacific Islands Law Officers Meeting, on the basis of a set of principles agreed by officials.

Other nuclear issues

38. The Forum expressed continuing concern about shipments of plutonium and radioactive wastes through the region. It noted with appreciation the cooperation of Japan in responding to the Forum's concerns by the provision of information on, and consultation about, the shipments. It reiterated, however, the expectation that such shipments should be carried out in accordance with the highest international safety and security standards, in a manner which satisfactorily addressed all possible contingencies, and in full consultation with Forum countries.

39. The Forum welcomed the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons at the Review and Extension Conference of the Parties in May 1995, as achieving a long standing Forum objective. It urged all non-signatories to the Treaty to accept the Treaty as soon as possible. It also urged the nuclear Powers to focus on meeting without delay their obligation under the Treaty to negotiate in good faith towards complete nuclear disarmament.

40. The Forum noted that an advisory opinion would soon be delivered by the International Court of Justice on the legality of nuclear weapons.

41. The Forum noted developments on civil nuclear liability and called on the Standing Committee on Nuclear Liability of the International Atomic Energy Agency to conclude promptly a civil nuclear liability regime by the tenth anniversary of the Chernobyl accident.

42. The Forum expressed its support for the establishment of a credible civil nuclear liability regime including adequate compensation for the victims of transboundary damage in accordance with the principles of the Rio Declaration by incorporating a dedicated transboundary fund of sufficient size. The Forum also believed that such a regime must be capable of attracting widespread adherence from both nuclear and non-nuclear-power generating States throughout the world. The Forum noted that, consistent with the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, it was important that such a regime incorporate environmental damage within its scope.

Rehabilitation of former nuclear-weapon-test sites

43. The Forum welcomed the increased attention to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear-weapon programmes. The Forum called upon all Governments and international organizations that had expertise in the field of clean-up and disposal of radioactive contaminants to give appropriate assistance for remedial purposes when requested by affected countries. The Forum noted that, although some efforts had already been made in this regard, there was still considerable work to be done. The Forum also noted the existence of a special responsibility towards those peoples of the former United Nations Trust Territory administered by the United States, the Marshall Islands, who had been adversely affected as a result of nuclear-weapon tests conducted during the period of the Trusteeship. This responsibility included safe resettlement of displaced human populations and the restoration to economic productivity of affected areas.

Relations with the United Nations

44. The Forum expressed its deep appreciation to the United Nations General Assembly for granting it observer status. It also expressed its appreciation to the Forum secretariat and the South Pacific Applied Geoscience Commission group of Forum country missions in New York for the commendable cooperation they had developed to give substance to the observer role. The Forum, acknowledging the growing importance of the United Nations in this, its fiftieth anniversary year, encouraged Forum members not also members of the United Nations, and other regional organizations to make use of the channel for the region into the United Nations provided by observer status.

45. The Forum reconfirmed its unanimous support, declared at the 1994 Brisbane Forum, for the candidature of Australia for the United Nations Security Council for the two-year term 1997-1998, at elections to be held in October 1996.

46. The Forum asked its members to consider the candidacy of Japan for a seat on the Security Council for the two-year term 1997-1998. In view of the mutual support arrangement between Australia and Sweden, the Forum also asked its members to consider the candidacy of Sweden for the seat of the Western European and Other States on the Security Council for the same period.

Relations with the Association of South-East Asian Nations (ASEAN)

47. The Forum was encouraged by the developing contacts between the Forum and ASEAN secretariats, which were important in strengthening the overall relationship between the two regions. It reiterated the importance of strengthening these links and noted that the Secretary-General would be exploring with his ASEAN counterpart the possibility of a ministerial meeting with ASEAN in 1996 on the margins of the United Nations General Assembly.

Relations with Arab Petroleum Exporting Countries (APEC)

48. The Forum recognized the importance of APEC and noted that its status as an observer was a valuable basis for strengthening its relations with that

organization. It considered that the Forum secretariat had a key role to play in keeping Forum island countries informed about APEC activities and processes of relevance to them.

Forum country initiatives

Assembly of Pacific island communities

49. The Forum noted the Melanesian Spearhead Group proposal for an assembly of Pacific island communities and encouraged the Pacific island countries and territories to consider the proposal further.

Institutional matters

Post-Forum dialogue

50. The Forum welcomed the Republic of Korea as a post-Forum dialogue partner, to participate for the first time in the dialogue at Port Moresby, on 17 and 18 September. This reflected the growing importance of the dialogue, and the interest which Forum countries had in strengthening relations with the Republic of Korea, an increasingly significant economic and political presence in the region.

Forum secretariat-wide review

51. The Forum endorsed the key recommendations of the Forum secretariat-wide review regarding the strengthening of the policy role of the secretariat, enhancing regional coordination and review through the South Pacific Organizations Coordinating Committee mechanism, and assisting member countries to develop their own capacity for economic and sectoral policy development, implementation and evaluation. The Forum also supported a rationalization of the divisional structure appropriate to servicing this redefined mandate.

Name change

52. The Forum noted that, with the admission of Palau, there was merit in considering renaming the organization.

PIBA/PINA

53. The Forum noted that officials had discussed the useful work done by the Pacific Islands Broadcasting Association (PIBA) and the Pacific Islands News Association (PINA) and that PIBA and PINA had been encouraged to develop their work programmes, working closely with the Forum secretariat.

Reports of regional organizations

54. The Forum received and adopted the annual report of the Secretary-General of the Forum secretariat. It also received with appreciation the annual reports of the following:

(a) Director of the Forum Fisheries Agency;

(b) Director of the South Pacific Applied Geoscience Commission;

(c) Vice-Chancellor of the University of the South Pacific;

(d) Director of the South Pacific Regional Environment Programme;

(e) Director of the Tourism Council of the South Pacific.

Date and venue of next meeting

55. The Forum reaffirmed its appreciation and acceptance of the kind offer of the Republic of the Marshall Islands to host the Twenty-seventh South Pacific Forum. The date for the Forum would be finalized by the Republic of the Marshall Islands in consultation with the Secretariat.

APPENDIX I

Securing development beyond 2000

Plan of action adopted by the Twenty-sixth South Pacific Forum

1. The Twenty-sixth South Pacific Forum, which met at Madang from 13 to 15 September 1995, gave close consideration to a wide range of strategies for securing development beyond the year 2000. In doing so, it recognized that security involves strengthening national and regional relations, especially capacities to sustain development in the medium and long terms, as well as regional stability.

2. Specific measure to which the Forum has agreed to give prompt attention are listed below. They include the endorsement of a logging code of conduct, measures to cooperate in promoting trade, transport and tourism and an examination of how the Forum might enhance regional support arrangements. Other measures may be added by agreement as those listed are put into effect, further consideration is given to related issues, and additional strategies are devised for strengthening cooperation in securing development beyond 2000.

Increasing economic cooperation

3. Forum members are conscious of the changes in international economic relations consequent on the formation of the World Trade Organization and likely to follow from the agreement by members of the Asia Pacific Economic Cooperation Forum to lower tariffs in the wider Asia-Pacific region. They are also aware of the increasing opportunities for mutually beneficial interaction arising from development in Forum member countries, and keen to cooperate in putting them to mutual advantage. They have, therefore, agreed to review existing patterns of trade, investment and other aspects of regional economic relations with a view to broadening, deepening and diversifying regional economic cooperation.

4. Issues to which they believe that particular attention should be given include strategies for increasing national and regional competitiveness by cooperating in reducing both tariff and non-tariff barriers to trade in the region, drawing on experience with other regional and subregional arrangements and consistent with the principles of the World Trade Organization. The implications of - and for - taxation regimes, exchange rates, transport arrangements and labour costs should be carefully examined. Niche markets should be identified and developed. Quarantine requirements should be clarified in purpose, scope and application and, as far as possible, standardized.

5. Opportunities for enhancing regional cooperation in respect of standards, product identification and consumer protection should be explored, particularly in so far as national institutions might help to achieve economies of scale by performing regional roles.

6. The South Pacific Forum secretariat will identify practical options, and submit them for consideration by the Forum Officials Committee, which will recommend a plan of action to enhance regional economic cooperation for discussion at the Twenty-seventh South Pacific Forum.

7. Individual Forum members will seek funding, from domestic and/or other sources, to assist in promoting regional economic cooperation, including shop-front facilities to publicize products exported from and investment possibilities in other Forum member countries.

8. Forum members will approach other Governments and international organizations for assistance in mounting regional promotions, including permanent South Pacific trade commissions, in East Asia, Europe and North America.

9. Aware of the difficulties often involved in travelling or moving goods within the region, Forum members have agreed that their ministers responsible for transport, including shipping and civil aviation, should meet in order to discuss common problems and to identify areas where enhanced cooperation might provide solutions. The formation of strategic alliances between services providers is an option which they believe is especially worthy of close attention.

10. Particular issues and options which they believe that relevant authorities should consider carefully include the economies that might be achieved by sharing aircraft; the manner in which travel and trade might be facilitated by coordinating airline and shipping schedules; the designation of additional regional and subregional hubs; and the advantages of jointly promoting links into, within and out of the region.

11. The need for additional facilities, including accommodation, at prospective stopovers and destinations will also be examined.

12. The South Pacific lies at the centre of one of the most rapidly growing tourism networks in the world. The region has much to offer to potential visitors in search of natural beauty, cultural spectacle and diversity, and recreation, including rest, sport and adventure.

13. Individual countries have priorities of their own, especially in trying to balance the kinds and numbers of tourists they seek with maintaining cultural integrity and environmental conservation. Together, they can offer a great deal to visitors from within the region or beyond, including distinctive cultural experiences.

14. Forum members have, therefore, agreed to direct their respective tourism authorities to explore options for increasing joint promotions, both within and beyond the region. In particular, they will examine transport needs, including national facilities and international links, as well as needs - and openings for investment - in relation to accommodation.

15. Their overall aim will be to encourage everyone concerned with the industry's future to take a long-term view; to ensure that visitors are made

welcome by local communities (which should benefit from their presence) and to see that tourists get genuine value for the money they spend. Issues like seasonality should also be addressed.

16. Expert bodies like the Tourism Council of the South Pacific and the Pacific Area Travel Association will be invited to give advice.

17. The Forum agrees that the various measures outlined in this Plan for promoting regional cooperation in trade, transport and tourism should be implemented without delay.

18. The Forum agreed that its Chairman convene or ensure meetings are convened of relevant Ministers during the next 12 months to implement this Plan, and that the Twenty-seventh South Pacific Forum should review progress made in securing development beyond 2000 through enhancing regional economic cooperation.

Logging code of conduct

19. Forum members endorsed the draft regional code of conduct on logging and committed themselves to implementation of its provisions as part of their national codes.

Regional support arrangements

20. Having considered possible threats and existing arrangements, Forum members have agreed that the most serious threats that the region seems likely to have to face in the future are not military in nature but may include challenges to national integrity and independence, environmental damage and national disasters. The Forum, therefore, agreed to examine a comprehensive approach towards security and to broaden and deepen cooperation accordingly.

21. The Forum Officials Committee has, therefore, been directed to report back to the Twenty-seventh South Pacific Forum with detailed proposals for arrangements designed to ensure that the region can consult promptly in response to legitimate requests, and provide such assistance as may be agreed in a timely, efficient and cost-effective manner.

22. The arrangements must be consistent with - and supportive of - other arrangements for regional cooperation, while avoiding waste and duplication.

23. Issues to be addressed in the report of the Committee will include a mechanism providing for consultations between regular, annual Forum meetings; procedures for facilitating cooperation through appropriate preparations in respect of training logistics, and control of agreed operations; as well as the legal safeguards required.

APPENDIX II

South Pacific Forum Vision Statement

Issued at Madang, Papua New Guinea, on 14 September 1995

The leaders who have participated in the 26th meeting of the South Pacific Forum, the paramount regional intergovernmental organization in the South Pacific, have a vision for enhancing regional cooperation for the next 25 years in which:

Forum members cooperate on the basis of equality, friendship and mutual respect - with due regard for what each can afford - in efforts to maintain security, improve living standards and ensure sustainable development throughout the region;

Opportunities for cooperation with other Governments, non-governmental organizations and international organizations, including other bodies in the Asia-Pacific region, are actively pursued and developed;

Resources, including fisheries, forestry, minerals, water and land, are developed with proper regard for conservation, the legacy of past generations and the future;

Unity in securing shared interests contributes to the national, regional and global good;

Material progress is matched by improvement in the quality of people's lives, including human development, equality between women and men, and protection of children;

Vulnerability to the effects of natural disasters, environmental damage and other threats will be overcome;

Indigenous and other values, traditions and customs of the region are respected and promoted through cultural, sporting and other exchanges;

Self-determination will be exercised in the remaining dependent territories, and unwelcome activities by external Powers, including nuclear testing, will cease;

International economic cooperation, through trade, investment and other exchanges, strengthens subsistence and commercial agriculture, industry development and competition, leading to growth - with equity, broadly-based participation and capacity-building for self-reliance;

Openness, accountability and other principles of good government are embodied in the practices, policies and plans of regional institutions; and

National, subregional and regional efforts to achieve the Forum's vision receive the support they require from the Forum secretariat and other regional organizations.

APPENDIX III

Forum leaders' statement on nuclear testing

Leaders express their extreme outrage at the resumption of French nuclear testing in the Pacific. Forum leaders again demand that France desist from any further tests in the region and call on other countries also to seek to persuade France to cease testing.

The Forum also notes that the painful memories resulting from nuclear testing conducted in the region a half-century ago still haunt many people in the region.

Should France continue its testing in the Pacific, the Forum will review France's status as a post-Forum dialogue partner.

The outrage of Forum members countries is so much the greater because of the intransigence of France, together with the People's Republic of China, in persisting with their nuclear tests in the face of not only the strong views of the Pacific region, but also the appeal of the ASEAN regional forum, and the world-wide sentiment against testing.

The decisions by the Governments of France and the People's Republic of China to continue testing are completely contrary to the undertaking on 11 May 1995 at the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to exercise "utmost restraint" in nuclear testing pending the completion of negotiations on a comprehensive test-ban treaty that would ban nuclear tests for all time.

The conclusion of a comprehensive test-ban treaty is an objective of the highest importance for the international community. Leaders therefore welcome the recent announcements of the United States of America and France to support a truly comprehensive test-ban treaty. They call on all members of the international community, and especially the nuclear weapon States, to spare no effort to ensure the conclusion of a comprehensive test-ban treaty no later than 1996.

In the spirit of this renewed emphasis on global disarmament, leaders call on France to sign and ratify the protocols of the South Pacific Nuclear Free Zone Treaty. They urge the United States and the United Kingdom of Great Britain and Northern Ireland to do likewise, noting that the People's Republic of China and the Russian Federation have already signed the protocols.

The decision of the Government of Vanuatu to sign the South Pacific Nuclear Free Zone Treaty at the Forum is warmly welcomed.

The Forum will continue to oppose nuclear testing at every opportunity, including at the United Nations General Assembly.

Leaders commend the efforts commenced by the Forum delegation to Paris in June. They thank the Forum Regional Action Committee for its work in supporting

the activities of Forum Governments and endorse the report of its activities presented to the Forum.

Leaders welcome New Zealand's action to resume its 1973 International Court of Justice case against French nuclear testing and its environmental effects in the Pacific and commend the action of Forum members seeking to intervene in the proceedings to support New Zealand's request to the Court.

Leaders reiterate the call by the Melanesian Spearhead Group leaders through the Lakatoro Declaration and by the South Pacific Environment Ministers Meeting in August 1995 for France to close its nuclear testing facilities in the Pacific, except as required for environmental monitoring; to accept full and exclusive responsibility for any adverse impacts from French testing on the Pacific environment and people; and to provide access to the international community to all the scientific data it holds to the testing sites themselves to make possible an independent and comprehensive assessment of the risks involved.

Finally, Forum leaders express their sincere appreciation to people from the region and around the world who have offered their support and their voice to the campaign against nuclear testing. They renew their undertaking to take all possible steps to stop nuclear testing and the proliferation of nuclear weapons.

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ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolutions 1993/20 and 1995/12 and Economic and Social Council decision 1995/255.

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I. INTRODUCTION

1. At its fifty-first session, the Commission on Human Rights examined the progress report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1994/78) and the addendum regarding his mission to the United States of America from 9 to 22 October 1994 (E/CN.4/1995/78/Add.1).

2. By its resolution 1995/12 of 24 February 1995, the Commission took note of that report and requested the Special Rapporteur to continue to examine, in accordance with his mandate, incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, in order to present a complete report on these matters to the Commission at its fifty-second session and a progress report to the General Assembly at its fiftieth session.

3. The Commission encouraged the Special Rapporteur, in close consultation with Governments, relevant specialized agencies of the United Nations system, other intergovernmental organizations and non-governmental organizations (NGOs), to present further recommendations concerning human rights education and to present concrete recommendations on specific measures which could be taken at the national, regional and international levels, with a view to preventing and eradicating problems within the purview of his mandate.

4. Finally, the Commission regretted that, owing to the lack of necessary resources, the Special Rapporteur had encountered difficulties in preparing his previous reports and requested the Secretary-General without further delay to provide him with all the necessary assistance in carrying out his mandate.

5. The General Assembly, in its resolution 49/147 of 23 December 1994, expressed its full support for the work of the Special Rapporteur, requested Member States to provide the Special Rapporteur with the resources he needed to carry out his mandate and requested the Secretary-General without delay to provide all necessary human and financial assistance to enable the Special Rapporteur to submit a report to the General Assembly at its fiftieth session.

6. The present report is thus a response to the requests by the General Assembly and the Commission on Human Rights. In preparing this document, the Special Rapporteur made use of the relevant portions of the communications received from the Governments of the People's Republic of China, the Czech Republic, Estonia, France, the Islamic Republic of Iran, Norway, Portugal, the Russian Federation and the United States of America. He also made use of documents transmitted by the International Labour Office, the Office of the United Nations High Commissioner for Refugees, the United Nations Centre for Human Settlements, the World Food Programme, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Commonwealth Secretariat.

7. Finally, the Special Rapporteur had access to reliable information communicated to him by non-governmental organizations - Amnesty International,

the International Council of Jewish Women, the World Council of Churches, the Consultative Council of Jewish Organizations and the World Federalist Movement - or taken from specialized journals and the international press.

8. The Special Rapporteur would like to present to the General Assembly in this report (i) information on his activities in 1995, both completed and under way; (ii) a summary of the theoretical problems faced in efforts to combat present-day racism, together with an account of recent incidents involving racism and racial discrimination which have been brought to his attention; (iii) information on specific measures taken by Governments to remedy the situations described in the report and efforts undertaken by civil society with the same goal; and (iv) conclusions and recommendations.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

9. In this chapter, the Special Rapporteur reports the comments which he received from Governments and non-governmental organizations following the submission of his report to the General Assembly at its forty-ninth session (A/49/677, annex) and the exchange of correspondence which ensued. The Special Rapporteur's mission to Brazil from 6 to 17 June 1995 and his projected missions to Germany, France and the United Kingdom of Great Britain and Northern Ireland are also briefly described. Finally, the Special Rapporteur discusses cooperation with other bodies engaged in the fight against racism and racial discrimination.

A. Observations concerning the report to the General Assembly at its forty-ninth session

1. On the analysis of anti-Semitism

10. Two Jewish organizations - the Consultative Council for Jewish Organizations and B'nai B'rith - the Government of Israel 2/ and the organization known as United Nations Watch have expressed reservations concerning certain portions of paragraphs 22 and 37 dealing with anti-Semitism. Questions have also been raised concerning paragraphs 24 and 62 but these do not call for any comment on the part of the Special Rapporteur. According to the organizations and the Government of Israel, the following passages help to foster stereotypes concerning Jews and to strengthen anti-Semitism:

(a) Paragraph 22: "Even Holy Scripture has been used to underpin and justify racism by reference to the curse of Shem and his descendants, supposedly the Blacks, and to the chosen people or, alternatively, to the crime of deicide, with the Jews being accused of killing Jesus Christ. The outcome was slavery and the Black slave trade, the age-old bleeding of Africa, and anti-Semitism, compounded by the economic power of the Jews."

(b) Paragraph 37: "... Certain adherents of Judaism continue to treat Christ as an impostor. However, this is a complex and difficult question which should be left to theologians and the competent clergy."

11. The authors of these reservations, who are otherwise very satisfied with the work done by the Special Rapporteur and who encourage him in carrying out his mandate, have written, in particular:

(a) "(...) Certain paragraphs of your report, notably paragraphs 22 and 37, contain statements that are totally out of place: they are phrased in the kind of language that can only reinforce anti-Semitism. In addition, the report is insensitive in paragraph 24 to the prejudice against Jewish culture and history demonstrated at the 1982 UNESCO conference in Mexico City."; 3/

(b) "(...) while the report of [Professor Glèlè-Ahanhanzo] represents a milestone in the Commission's attempt to address a wide range of hate problems, it also reinforces in several sections hateful anti-Semitic stereotypes.

"Those sections include the following:

- Paragraph 22 endorses the view that anti-Semitism is 'compounded by the economic powers of the Jews'.

- Paragraph 37 alleges that anti-Semitism is caused because 'certain adherents of Judaism continue to treat Christ as an impostor'.

- Paragraph 62 notes that the number of cases of anti-Semitic attacks in Germany has arisen in the last two years from 40 to 63, but concludes by minimalizing this number with the gratuitous comment 'Acts directed against Jews have ... increased to a lesser degree than those directed against foreigners in general.' The use of the term 'in general' conveys the impression that Jewish citizens of Germany are to be regarded as foreigners.

- In paragraph 24 the report also lauds the UNESCO Conference on Cultural Policies, held in Mexico City in 1982, for its support of the equal dignity of all cultures and the affirmation of the value of cultural diversity. B'nai B'rith attended that conference and found that in contrast to earlier UNESCO conferences and exhibits, it excluded any mention of Jewish culture and history."; 4/

(c) "Let me begin by praising you for your work as Special Rapporteur over the last year, and specifically the reports which you have delivered to the General Assembly and the Commission on Human Rights. Your investigations have been in depth, and many of your conclusions have been ground-breaking.

"I write to draw your attention to several comments you made in your report (A/49/677, annex) to the General Assembly concerning anti-Semitism. Again, I would like to emphasize that the majority of your work on this head was both incisive and important, and your condemnation of the 'Protocols of the Learned Elders of Zion' as 'a sham' was an important

first for the United Nations. However, in your discussion of various manifestations of anti-Semitism, you make several statements which are inaccurate and troubling. In paragraph 22 you write that anti-Semitism is 'compounded by the economic power of the Jews'. Such a statement is problematic, endorsing one of the most pervasive - and ungrounded - stereotypes about Jews: that they are especially materialistic, are greedy, and wield disproportionate economic power. You will no doubt agree that such charges are neither accurate nor made with discriminatory purpose against other groups, such as the Swiss Protestants who run many of Geneva's most powerful banks. Yet by citing this stereotype as a fact, you suggest that Jews are somehow to blame for discrimination against them; that it is somehow their own fault (because they wield economic power) that they are subjected to anti-Semitism.

"In a later paragraph, 37, you write that anti-Semitism is further caused by 'certain adherents of Judaism [who] continue to treat Christ as an impostor'. This statement is troubling, for it implies both that some Jews have come to accept Christ, and that others actively set out to discredit him. What you should understand is that for Jews, as for all other non-Christians, Christ is a figure of solely historical and moral significance. This does not imply that Jews in any way disparage Christ; merely that the basis for Judaism is pre-Christian and independent of Christ's teachings. Despite their manifest similarities, Judaism and Christianity are quite separate religions, with different belief systems and different pivotal figures." 5/

12. As he has already had occasion to stress in his written and oral replies 6/ to the comments which have been communicated to him, the Special Rapporteur wishes to stress that the opinions expressed in these paragraphs are not his own. He has endeavoured, in seeking the causes of anti-Semitism, as he has done in the case of negrophobia, to take stock of the reasons advanced in explanation of these phenomena.

13. The Rapporteur would also like to stress that it was as a consequence of his preliminary report to the Commission on Human Rights in February 1994 that, with his approval, his mandate was extended to include the question of anti-Semitism, which he considers to be a form of racial discrimination which has led to one of the greatest scourges that the world has known in the past and continues to experience today.

2. The situation of housekeepers of Indian, Sri Lankan, Bengali and Philippine origin in Kuwait

14. Referring to aspects of a study which had been transmitted to him by the organization Middle East Watch/Women's Rights Project, 7/ the Special Rapporteur, included, in paragraph 108 of his report, the following observations:

"In Kuwait, housekeepers of Indian, Sri Lankan, Bengali and Philippine origin are now targets of rape, physical assault, non-payment of salaries, debt bondage and abusive work conditions because of their nationality.

Although these abuses are illegal under Kuwaiti law, very few cases are prosecuted. The Government of Kuwait has all but ignored the plight of these women".

15. The Special Rapporteur received from the Government of Kuwait the following comments, of which he has taken note and which he is submitting to the attention of the General Assembly at the request of that Government:

"[The Government of Kuwait] deplores the publication (in document A/49/677, annex) of information derived from a non-governmental source alleging that housekeepers working in Kuwait are ill-treated" and that "the Government of Kuwait has all but ignored the plight of these women". It is, to say the last, surprising that this erroneous information has been published without even trying to verify it with the Kuwaiti authorities concerned. This calls for a number of comments:

1. Kuwait is a democratic society in which foreigners of different nationalities, who outnumber Kuwaiti nationals, live and work. Kuwait endeavours to ensure the best possible treatment for people residing in its territory, faithful in that respect to its traditional commitment to human rights and fundamental freedoms for which it is renowned in all international bodies.

2. With regard to domestic workers in general, it should be noted that labour from other countries has been employed in Kuwait for a very long time; and, up to now, there have been no complaints.

3. Among the facts demonstrating that domestic workers are treated well by Kuwaiti families is the increase in the numbers of such employees, which reached 168,747 in May 1993, representing a significant proportion of the population of the State of Kuwait, which currently has 2.5 million inhabitants. This is proof that Kuwaitis treat their household employees well. It this were not so, why would any housekeeper agree to stay in Kuwait?

These comments are corroborated by the fact that the majority of domestic workers who have already worked in Kuwait in the past return of their own free will either to resume service with their former employers or to work with other people. These facts belie all the allegations about the treatment of domestic workers; the purpose of such allegations is clearly to harm Kuwait. It should be noted that the domestic workers concerned had the option of not returning to Kuwait after the expiry of their contracts. The main reason that they did return was that the Kuwaitis had treated them well.

4. According to the official statistics on the question, in 1993 the number of cases of ill-treatment did not exceed 500, which represents less than 0.5 per cent of the workforce currently in domestic service in Kuwait. These are reliable statistics whose accuracy can be proved by the Kuwaiti public authorities and the diplomatic missions of the countries of which these employees are nationals.

5. The main causes of the problems encountered by domestic employees are the practices of employment agencies in the countries of origin; these agencies exploit their recruits and give them inaccurate information about the tasks awaiting them in the countries in which they are to work, which explains some of the difficulties.

6. Since Kuwait applies the laws of the market and imposes no restrictions on transfers of funds by foreign workers, remittances from such workers to their families have become one of the main sources of income for their countries of origin, making a substantial contribution to the growth of national economies and, in the view of the leaders of these countries, to the improvement of the standards of living of the employees themselves.

7. Aware of their responsibilities towards this category of workers, the Kuwaiti authorities are endeavouring to ensure decent living conditions for them within Kuwaiti society and to protect their rights.

An outline of the provisions adopted in this area follows:

(a) In 1993, the Council of Ministers adopted decree No. 320/1993 establishing a commission consisting of representatives of the Ministries of Foreign Affairs, of the Interior, of Social Affairs and Labour, of Information and of Trade; the commission's mandate is to consider all the problems posed by the employment of domestic workers and to establish general guidelines with a view to a definitive solution of these problems that would take into account legal and humanitarian considerations.

The Commission transmitted to the Council of Ministers numerous recommendations on the basis of which the latter adopted decree No. 387/93, in which it:

- Requested the Ministries of Finance and of the Interior to study to what extent it would be possible to advance to each domestic worker an amount corresponding to the cost of travel back to his country and then claim reimbursement from his employer. Thus in July 1993, the State paid for the travel of 400 domestic workers;

- Instructed the Ministry of Trade and Industry to prosecute agencies whose activities consist of bringing in domestic workers in violation of the regulations and laws in force and of their obligations under the licences granted to them.

(b) The Ministry of the Interior has established a new unit dealing with employment agencies for domestic workers whose task is to reorganize the sector and safeguard the rights of employees, both while they are in service and following the expiry of their contracts, taking into account the responsibilities of the employer, who must, inter alia, pay the employee's wages and cover his travel costs.

(c) In order to guarantee the rights of this category of employees, Act No. 40 of 1993 concerning the reorganization of employment agencies and

the training of domestic workers and related personnel was adopted. Act No. 617 of 1993, establishing the conditions to be met in order to obtain authorization to establish an employment agency for domestic workers is also relevant within this context.

Along with the efforts made by the authorities to protect the rights of this category of employees, the following initiatives taken by the legislature and non-governmental bodies should be noted:

(a) The National Assembly has established a new standing committee to consider all questions relating to human rights, including the rights of foreign workers;

(b) In August 1993, the General Workers' Union of Kuwait established as part of its administrative set-up an office responsible for matters relating to foreign workers in Kuwait and protection of their rights.

In addition to these guarantees, domestic workers in Kuwait enjoy a number of advantages. The following should be noted, in particular:

- Freedom to change employers, which is guaranteed by law;

- Employer's responsibility for travel costs (both directions) for the employee between his country of origin and Kuwait;

- Employer's obligation to provide for all his employee's needs (housing, food, clothing, medical care etc.). Since there is no income tax in Kuwait, the employee can send all his wages back to his family in his own country; in addition there are the gifts he receives from time to time;

- Services provided by the State to domestic workers which, according to a study published in September 1991 by the Supreme Planning Council, are estimated at 500 Kuwaiti dinars (about US$ 1,700) per year for each worker.

In the legal area, it may be noted that the Kuwaiti courts sentenced to penalties ranging from a few months in prison to 10 years' imprisonment a number of persons found guilty of sexual assault on housekeepers". 8/

3. Allegations of racist and xenophobic incidents in Germany

16. In connection with the racist and xenophobic incidents in Germany which the Special Rapporteur described in his reports to the General Assembly (paras. 60-68) and to the Commission on Human Rights at its fifty-first session (paras. 22-58), the German Government has asked that the following comments should be transmitted to the General Assembly:

"The Federal Republic of Germany supported the appointment of a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. It considers the appointment of the

Special Rapporteur to be an important step taken by the United Nations in combating a problem of universal dimensions. The Federal Republic of Germany has always tried to cooperate closely with the Special Rapporteur to enable him to fulfil his mandate. It has made extensive information available to him and on 18 October 1994 invited him to visit Germany.

The Federal Government finds it regrettable that the Special Rapporteur - as in the case of his report to the General Assembly at its forty-ninth session (A/49/677, annex) - mentions in his report to the Commission on Human Rights at its fifty-first session (E/CN.4/1995/78) xenophobic incidents alleged to have occurred in Germany without giving the federal Government an opportunity to explain its position before the report went to press. The report submitted by the Special Rapporteur to the Commission on Human Rights at its fifty-first session contains six full pages of unverified information relating to 37 incidents which occurred in Germany and which are described as racist or xenophobic. The source of this information was Turkish non-governmental organizations.

In Germany, the public authorities have risen to the challenge of right-wing extremism and xenophobia. All the federal bodies are doing everything possible to eradicate these phenomena. The police and the judiciary, in particular, are sparing no effort to prevent acts of violence and prosecute the perpetrators of such acts with all the means available to a State based on the rule of law. Acts carried out with right-wing extremist or xenophobic motives are dealt with under an accelerated procedure so that the perpetrators can be sentenced as quickly as possible.

At the current stage of the investigations, no more than about one fifth of the specific cases mentioned in the report submitted to the Commission on Human Rights at its fifty-first session can be considered acts motivated by xenophobia or racism. In the great majority of cases, no xenophobic or racist motive can be found. Moreover, in many cases the incidents did not take place as described in the report. In so far as the investigating bodies were aware of the events mentioned in the report, the police and the prosecutors initiated proceedings and the courts imposed severe penalties on persons found guilty of such acts.

With regard to the arson attack perpetrated on 25 March 1994 against the synagogue in Lübeck, four persons were charged and, since 2 May 1994, have been in pre-trial detention for the attempted murder of five persons and for grave arson. The main proceedings are under way at present. In the case of the disturbances which took place on 12 May 1994 at Magdeburg, 11 criminal prosecutions have been initiated since then and 30 German nationals have been charged. Severe penalties of imprisonment have already been imposed. The perpetrators of the arson attack at Bielefeld on 20 April 1994 were convicted on 27 October 1994 and given severe custodial sentences under the criminal law applicable to minors, in some cases involving imprisonment for several years. Last year criminal charges were brought against the alleged perpetrators of the incidents which occurred at Brandenburg on 14 August and 21 September 1994. In the legal proceedings against the skinheads responsible for desecrating the memorial at Buchenwald on 23 July 1994, charges had already been brought in August and

September 1994. On 18 November 1994, 16 persons were sentenced by the Echevins juvenile court, the court of original jurisdiction, to custodial penalties or to prison terms of up to one year and eight months. On 22 November 1994, the Landgericht (regional court) at Weiden, as the court of original jurisdiction, sentenced three defendants to custodial penalties of nine months or more for the arson attack perpetrated at Weiden on 21 September 1995. Some of the penalties imposed include the possibility of probation.

In seven of the incidents mentioned it has been established that there was no xenophobic or racist motivation. The incident which occurred on 10 January 1994 at Halle also falls into this category. A 17-year-old handicapped girl in a wheelchair lodged a complaint that three skinheads had attacked her and carved a swastika into her cheek. In fact, the girl had invented the whole incident - as she later confessed - and had inflicted the wound herself. For this reason, the case against X was dropped on 18 January 1994. The incident and its motives were the subject of detailed reports in the German and international press.

In almost half the cases, there is insufficient evidence to support the hypothesis of xenophobic or racist aggression. In some of these cases, there is far more evidence to support the hypothesis of self-mutilation, slanderous complaints or faked break-ins. In several other cases, there is concrete evidence that they involved disputes between foreigners with no xenophobic or racist motive. Two Turkish nationals and a Greek national were charged with the murder of a Turkish national, Cetin Apohan, on 31 July 1994 in Cologne. The main proceedings in the regional court in Cologne - the assize court - are under way. On 1 February 1995, one of the accused was shot dead by the victim's father during the hearing". 9/

17. The Governments of Kuwait and Germany have expressed regret that no adversary procedure had been instituted making it possible to obtain the views of Governments on the racist or xenophobic incidents reported by non-governmental organizations or by certain Governments. The Special Rapporteur wishes to draw attention to the administrative and financial constraints (relatively short deadlines for the preparation and submission of reports to the Commission and to the General Assembly, consultations with Governments, administrative secretariat and translation of documents ...) which make such a procedure impracticable in the immediate future. None of the recommendations about the means required for the proper execution of the mandate have been followed up. For the time being, the Special Rapporteur is trying to the best of his ability to inform Governments of the cases submitted to him.

B. Missions undertaken by the Special Rapporteur

1. Mission to the United States of America

18. On 5 February 1995, the Special Rapporteur submitted a report to the fifty-first session of the Commission on Human Rights on his mission to the United States of America from 9 to 22 October 1994. In his conclusions, he stated that social dysfunctions existed in that country stemming from residual racism and

racial discrimination, and that historical, sociological, psychological and structural inertia were behind the subtle forms of racism and racial discrimination that lingered in American society. While welcoming the recent ratification of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the Special Rapporteur recommended that the United States Government should revitalize affirmative action programmes in order to remove economic and social disparities, and should take measures to prohibit the establishment of racist organizations and ban racist propaganda. He hoped that the United States would ratify all the international human rights conventions, which would strengthen its foreign policy in the pursuit of peace and raise its credibility.

19. The United States Government made some observations in plenary meeting and in a letter to the Special Rapporteur. 10/ In the statement to the Commission on Human Rights, the representative of the United States of America emphasized that no country had gone as far as the United States in implementing so comprehensive an array of legal measures against racial and ethnic discrimination in voting rights, housing, employment and access to public services. Several lessons learned in the United States in the fight against discrimination could be useful to the international community. The United States welcomed the decision the previous year to extend the definition of racial discrimination to include anti-Semitism and anti-Arab behaviour. It noted, however, the persistence of prejudice and xenophobia in several parts of the world. The United States representative welcomed the content of the report and the opportunity to discuss the recommendations in the context of national efforts aimed at the complete elimination of racism. The United States delegation noted, however, that some of the recommendations presented real problems with regard to freedom of speech, freedom of association and freedom of the press.

20. The following excerpts from the United States Government's letter add specifics to the statement made by its representative to the fifty-first session of the Commission on Human Rights:

> "As your report suggests, the United States has repeatedly and consistently condemned racial discrimination. We have undertaken to pursue by all appropriate means a policy of extirpating such discrimination in all its forms.
>
> "We have promoted racial understanding, and sought to guarantee to everyone, without distinction as to race, colour, national or ethnic origin, the right to equality before the law in civil, political and economic rights. Thus, contemporary United States domestic law on federal, state and local levels provides strong protections against racial discrimination in all fields of public endeavour and in many areas of private life. Our laws also include effective means of redress and recourse for those who, despite these protections, nevertheless become victims of discriminatory acts. We have also recently become a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

"As your study also notes, these are matters of continuing public concern in the United States, as demonstrated by what you deemed 'the densest web of community organizations in the world' to fight racial and other forms of discrimination. While most of these organizations are privately supported, almost all receive government support in the form of special tax status.

"The problem of racial discrimination in the United States is complex. Your study was necessarily based on a brief visit and on limited information. Accordingly, several elements of your analysis are incomplete or inaccurate. For example, your report notes the five Supreme Court rulings in 1989 that narrowly construed a number of federal statutes regarding the law against employment discrimination (para. 56), but it fails to note that these rulings were overturned by overwhelming majorities in Congress two years later through legislation (the 1991 Civil Rights Act) that clarifies that the statutes were intended to have a broader scope.

"We are paying particular note to your recommendations to the United States Government. Some of these are consistent with our national policy and goals, others are not. Some deal with conduct by private actors and social and economic forces not readily subject to government action. Some, particularly your recommendation calling for the prohibition of certain groups and forms of expression, would violate basic constitutional protections of individual rights and are not acceptable to us". 11/

2. Mission to Brazil

21. The Special Rapporteur visited Brazil from 6 to 17 June 1995, with the agreement of the Brazilian Government. He would like to acknowledge its spirit of cooperation and express his gratitude for the welcome he received.

22. Without going into the details of his findings, which will be the subject of a substantive report, the Special Rapporteur would like to stress that the situation in Brazil is highly complex. It cannot be captured by simple intellectual constructs, mainly because of the complex make-up of the population of Brazil and the biological and cultural intermingling that has taken place. Official statements themselves oscillate between an explicit recognition of the existence of racism and racial discrimination, categorial denial of their existence - "Brazil is not like the United States and South Africa, which have experienced racial segregation or apartheid" - and implicit acceptance of their existence, which can be seen in statements to the effect that economic and social discrimination - "apartaçao social" - does exist against the poor, most of whom happen to be Black, Indian or mestizo. So it would appear from the class and social composition of the political, economic, academic or scientific fields.

23. As many of the people interviewed, government officials and others alike, attempted to explain, the cause-and-effect relationship between the economic and social status of these excluded groups or "social sectors" and the history of the marginalization of Blacks, Indians and mestizos of every stripe and colour should be analysed with reference to historical factors which attended the

founding of Brazil (slavery and colonization) and its socio-economic evolution. Discrimination is seen to be economic and social and not at all racial. The Blacks, Indians and mestizos are victims of discrimination not as such, but because they are poor. In another view, these groups are not the preferred targets of discrimination and violence because they are poor, but rather, they are poor because they have been discriminated against since Brazil was founded. Structurally, racial discrimination through denial takes on insidious and subtle forms, and subsists as a vicious circle that only political will based on a clear and courageous facing of reality can break, by attacking the evil. The mission report that will be submitted to the Commission on Human Rights at its fifty-second session in 1996 will attempt to analyse and explain this phenomenon.

3. Missions in Europe

24. With regard to the planned visits to Germany and France, the Governments of those countries have agreed to receive the Special Rapporteur from 18 to 27 September and from 29 September to 9 October 1995, respectively.

25. Finally, the mission to the United Kingdom that had been cancelled last year because of a lack of resources will take place from 13 to 22 November with the agreement of the British Government.

C. Cooperation with other United Nations bodies for the promotion and protection of human rights

1. Exchange of views with the Committee on the Elimination of Racial Discrimination

26. On 15 March 1995, the Special Rapporteur and the members of the Committee on the Elimination of Racial Discrimination held an exchange of views on ways in which to increase their cooperation. Each party had an opportunity to specify the nature of its respective mandate.

27. The Special Rapporteur gave a brief presentation on the activities he had undertaken and the reports he had submitted to the Commission on Human Rights and the General Assembly, noting the resurgence of racism and racial discrimination throughout the world and measures taken by Governments and international mobilization against these phenomena.

28. Several experts on the Committee stressed the importance and the need to establish an ongoing dialogue with the Special Rapporteur, and emphasized that, unlike the Committee members, because of his mandate he enjoyed the right to visit the countries concerned and in addition could gather information in States which were not party to the International Convention on the Elimination of All Forms of Racial Discrimination. Some experts noted that, while the Committee studied reports from States one after the other and examined situations case by case, the Special Rapporteur, on the other hand, had more room to manoeuvre - for example, he could approach issues from a regional point of view.

29. Some experts believed that this new emerging collaboration responded to the wishes of the Commission on Human Rights when it had appointed the Special Rapporteur. Suggestions were made for pursuing this cooperation. In that way, certain priorities could be established jointly in order to prevent the development of racist organizations or the resurgence of pseudo-scientific racist ideologies. Other priority activities would also be worth undertaking jointly, for example, providing human rights training to police forces (and law-enforcement agents in general), or campaigns to enlist youth in the fight against racism in all its forms. It was also suggested that the Committee should alert the Special Rapporteur to emergency situations examined in the context of the mechanism for the prevention of racial discrimination (early warning and emergency procedures). For his part, the Special Rapporteur would make an effort to raise public awareness of the Committee's activities in its capacity as an expert body for the monitoring of the International Convention on the Elimination of All Forms of Racial Discrimination.

30. The Special Rapporteur emphasized the need for effective cooperation with the members of the Committee and the Secretariat. Furthermore, he indicated that he had adopted the definition of racial discrimination set out in article 1 of the Convention. In reply to the suggestion by some experts that he should pay greater attention to the situation in third world countries, the Special Rapporteur did not agree that he had concentrated on Western countries. He assured the Committee that in the remaining three years of his mandate, due account would be taken of the different continents in his reports.

31. It was agreed that neither the Special Rapporteur nor the Committee should act in isolation and that both would gain from exchanging information and from providing mutual support. The need for the contribution of both mechanisms to the consideration of racism and racial discrimination was recognized.

32. On the subject of the suggestion by one member of the Committee that the Special Rapporteur should seek to identify the reasons why some States had not become parties to the International Convention on the Elimination of All Forms of Racial Discrimination, the Special Rapporteur had received a clarification from the Turkish Government, the relevant parts of which are brought to the attention of the General Assembly at the request of the Turkish Government:

> "Becoming party to international instruments is indeed a serious matter which necessitates detailed study before reaching any decision. In attaining a conclusion related to accession to the International Convention on the Elimination of All Forms of Racial Discrimination, the Turkish authorities took into consideration the contribution this Convention, which deals with only one aspect of such a multifaceted phenomenon as racism, has made to the elimination of racial discrimination. Unfortunately, the findings were not positive. The minuscule number of communications sent thus far to the Committee vividly demonstrates this fact. It would be safe to state that, so far, the Convention has not only failed to serve the noble cause of eliminating the abhorrent practice of racial discrimination, but has had the exact opposite effect by contributing to the dilution of the concept, by confusing racial discrimination with other forms of discrimination."

2. Participation in the joint meeting between the Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities

33. On 8 August 1995, the Special Rapporteur participated in a meeting between the two bodies in question. On that occasion, he reported on his concerns about the increasingly violent forms that the expression of racism and racial discrimination was taking on; support provided by universities to research with racist implications; the spread of racist propaganda and incitement to ethnic and racial hatred through the media in central Africa, America and Europe; the resurgence in the absolute State sovereignty, which was reflected in the use of law, and hence legislation, to slow and significantly reduce immigration and freedom of movement, which were subtle indications of the xenophobia that was rampant in many parts of the world; and the attempts to dismantle affirmative action measures in the United States. On his own personal initiative and on the basis of his experience in his own country, he particularly stressed the need for human rights education in everyday life and teaching about those rights at all educational levels, including literacy and post-literacy courses, and through the mass media.

III. CONTEMPORARY MANIFESTATIONS OF RACISM AND RACIAL DISCRIMINATION

A. Persistence and spread of racism and racial discrimination

34. The manifestations of racism and the theories underlying them have emerged from the lethargy into which they had been plunged by international condemnation after the horrors of the Second World War. This preliminary section is intended to serve as a brief supplement to the analysis, begun in the previous report, of the ideological mutations which are the source of what can be described as "contemporary racism"; this is intended to demonstrate the need for arguments and methods to combat the phenomenon.

1. Races and ethnic groups - are they psychologically necessary?

35. It might be asked whether races, ethnic groups, and even nations, are all-embracing sociological and anthropological categories which fulfil psychological necessities, meeting a need for a reassuring sense of belonging and recognition. An affirmative answer to that question might perhaps give rise, without any justification, to the beginnings of an explanation for the resurgence of confrontations based on racial, ethnic and national origin, in a world which is already partially, if not entirely, internationalized. Globalization, the intensification of migratory flows, and homogenization, by wearing down the most marked characteristics, increase the scope for competition among different groups (while at the same time producing identity-defence reactions) and strengthen and harden racist phenomena of various kinds. This tendency has been seen lately in Western Europe, where progress towards European unification, accompanied by the virtual dismantling of historical frontiers, gives rise to a feeling of being invaded by "hordes of immigrants"; variations also exist in Africa, where in recent years there have been mass expulsions from several

countries of migrant workers of African origin. Physical frontiers have psychological consequences in the sense that they not only represent political and legal limits, but are also considered to contain within a precise area the feeling of belonging to a particular group.

36. This may help to explain the fact that, although the notion of race has been called into question by science, 12/ it still retains such significance in people's minds that it permits them to define physically and psychologically the separation between "us" and "them", despite the illusory nature of that separation.

37. According to Jean-François Kahn, "race is reassuring because it seems to give rationality to distinctions, and because it affords protection by isolating the collective identity which it denotes. It makes the strangeness of others the justification, and indeed the condition, for the affirmation of one's own identity." 13/

38. There can be no denying that, while all the pseudo-scientific racist theories have collapsed, attitudes and behaviour patterns persist, as if racism could exist in the absence of any justification derived from a "science" of race. Proclaiming that "race" does not exist has not succeeded in putting an end to discussion of possible objective distinctions, especially since the deadly logic of racism is founded upon the notion that it "has to do with natural physiological reality - the white or black colour of the skin - the appearance of which cannot be changed by persuasion or by any government intervention; the only solution in such cases is to exterminate the bearers of the ignominious mark." 14/ It is the very non-existence of race that gives renewed forms of racism their remarkable flexibility. 15/

39. That flexibility is shown by the current shift of racist arguments towards cultural differences rather than biology. It is not so much a matter of the recognition of the individual's membership of a group or community or the recognition of cultural particularities; the problem lies in a hierarchical classification of such membership and, consequently, of the cultures themselves, and in the negation of otherness in the interest of "making cultural differences absolute", 16/ as if some impermeable barrier prevented any exchange or interaction between human communities, dooming them for eternity to some imagined homogeneity and purity.

40. This is the type of mythical ideology which has been adopted by the adherents of contemporary racism and racial discrimination, the supporters of ethnic cleansing and preference for nationals, who are active on every continent; in one place they persecute foreigners or refugees, in another their victims may be Bosnians, Tutsi or Hutu, or American Indians. It is these attempts to pervert cultural relativism and to negate ethnic and racial plurality that the opponents of racism and racial discrimination have to confront. Racism proves to be a persistent and hardy phenomenon, with recurrent manifestations and intense attacks, like paludism or malaria which is more deadly than any other disease. Man can achieve his full dignity only by waging relentlessly the one true battle: the battle to reduce and eradicate racism.

41. Certain analysts argue that the emergence of neo-racism in Europe is due to the combination of psychological, political and economic factors which accentuate ethnocentrism, xenophobia and racism, the common source of which should be sought in the prejudices which develop throughout the long and complex process of the formation of mental mechanisms, which is completed only upon reaching adulthood. 17/ But how can one explain the origin of the ethnic antagonisms and the nationalism accompanied by ethnic cleansing in the former Yugoslavia, the ethnic massacres in Rwanda and the fire smouldering in Burundi, and the genocidal propaganda of the Hutu refugees in Zaire relayed by Radio démocratie - la voix du peuple? Are these phenomena of contagion, of resurgence or of explosion of latent, uncontained antagonisms? One is inclined to believe that it is psychological conditioning, which generates fear and contempt for the other, and encourages the latter's extermination or domination, that fosters outbreaks of racism and the violent affirmation of ethnicity and nationality.

2. The fight against racism and racial discrimination in the face of the perversions of cultural relativism

42. Those active in the fight used to postulate that ethnocentrism and racism could not survive a process of education and dissemination of knowledge of civilizations and cultural systems, after which any claim that one of them was superior to the others would be nonsense.

43. The first attempt to combat racism and xenophobia consisted in advocating tolerance towards ethnic minorities, or more simply, towards "the other" - a sort of charitable indulgence in which was inherent a belief in the superiority of whichever ethnic group was tolerating others which was incompatible with an effective struggle that would lead to the disappearance of prejudice. In seeking to replace that tolerance, modern antiracism has sought to find a contemporary dynamic principle, a multi-ethnic and multicultural phenomenon whereby diversity would be perceived as a blessing, part of the fundamental heritage of all mankind.

44. Far from overcoming racial hatred and prejudice, however, the emphasis which, in the name of the struggle against racism and racial discrimination, was placed on the richness of multicultural societies, has had the opposite effect of providing ammunition for the supporters of racist interpretations and arguments. By manipulating ideas about cultures and by twisting and perverting antiracist theses, they were able to break away from the extolling of biological inequality and adopts the absoluteness of cultural differences as their new favourite theme. Masking its true appearance by appropriating and distorting antiracist theses, the new racism of difference was better able to gain acceptance from public opinion in various countries. Antiracists and racists could even be seen together, preaching respect for differences in group identities; the former, however, did so from the universalist perspective of respect for human rights, while the latter had a segregationist view of human society.

45. No sooner does antiracist teaching proclaim that race is merely culture than public opinion transforms culture into race. In this way, neo-racist arguments have replaced the pseudo-biological notion of "race" with the idea of

a hierarchy of cultures and their fundamental incommunicability, their incompatibility, or absolute separateness. In this way, as was stated in paragraph 24 of the previous report, "those who advocate such a hierarchy are unaware of or deliberately misconstrue the latest scholarly and scientific literature, particularly that produced by UNESCO, on race and culture, the principles of equal dignity of the human individual, the affirmation of cultural identities and cultural diversity, values universally recognized at the World Conference on Cultural Policies, organized by UNESCO at Mexico City in 1982, and enshrined in the Universal Declaration of Human Rights and the UNESCO Constitution. One might also mention here, once again, article 1 of the 1966 Declaration of the Principles of International Cultural Cooperation, which proclaims that each culture has a dignity and value which must be respected and preserved, that every people has the right and the duty to develop its culture, and that, in their rich variety and diversity, and in the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind." In the place of the principle of the equal dignity of cultures - since culture is the product, the achievement of humanity, and humanity is culture - the neo-racists substitute the principles of "cultural difference" and "national identity". This new argument, which is manifestly in conflict with the work of UNESCO and the Declarations and Convention mentioned above, tends to consider cultures as airtight categories, impervious to outside influences and to interaction. Ideological or religious differences are often to be found at the core of this perverted form of "cultural relativism".

46. These arguments, dressed up to appear democratic and used by the extreme right-wing parties, whose influence is dangerously on the increase, have acquired a certain pedigree, or at least a degree of respectability, enabling many people to subscribe to them. Thus it becomes natural to reject, to exclude, to discriminate against a group or ethnic minority on the basis of its culture or religion, in the name of some sacrosanct "inability to assimilate". Implicit in such forms of exclusion is a latent and unavowed feeling of superiority on the part of the majority; they subtly revive racism in its biological and intellectual form. The race which considers itself superior naturally has a superior culture while others have only subcultures or second-rate cultures; the question of cultural values remains unasked.

47. In order to combat racism and racial discrimination, such arguments must be decoded, the realities engendered by them must be boldly confronted, and the mechanism common to racism and to one of its mutations, the abuse of cultural relativism for racist purposes, must be dismantled.

48. It is important that the antiracist movement should be aware of the abrupt change which has occurred in the complex racist interpretations and arguments, namely the shift away from biological inequality towards making cultural differences absolute.

3. Exclusion - an expression of racism, or a euphemism?

49. The modern term and concept of exclusion should not be dressed up or serve as an alibi to conceal a reality which touches upon the central theme of this report. The origin of social exclusion is often to be found in racism and

racial discrimination, phenomena which many Governments believe should be written off as things of the past, denying their persistence or describing as "natural" the economic and social conditions of ethnic, racial and religious minorities and indigenous populations. Thus, the consequences of the slave trade, the practice of slavery, and the genocide of indigenous peoples persist, and, as if by chance, the poorest population groups in many countries prove to be, according to official explanations, the descendants of slaves, or indigenous populations which have been colonized. Marginalization, which nowadays takes the form of exclusion, is the result of those practices, and can therefore be said to be founded upon racism. It is perpetuated from generation to generation; racial discrimination has become a commonplace, unacknowledged yet explained in terms of economic and socio-cultural factors. Thought and practice are locked in a truly vicious circle. Is this not an insidious, structural form of racism or racial discrimination, in all conscience?

4. Various forms and manifestations of racism and racial discrimination

50. Here we shall examine those forms and manifestations of racism and racial discrimination which do not affect the groups explicitly designated by the Commission on Human Rights (Blacks, Arabs, and Jews).

51. Crimes and human rights violations persist in the former Yugoslavia in the name of "ethnic cleansing", which has now become a commonplace term, although, fortunately without the acquiescence of the Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia, who has resigned. The fire smouldering in Burundi, fed by the tension between the Hutu and the Tutsi, gives rise to fears of a new wave of ethnic conflagrations on the African continent.

52. In certain European countries, the situation has deteriorated markedly and it is no longer shameful to admit that one is a "racist", as in France, where, according to an opinion poll published in the newspaper Le Monde on 22 March 1995, only 36 per cent of the French consider that they never make racist remarks or have racist attitudes.

53. According to the 1994 report of the French Commission nationale consultative des droits de l'homme, skinheads perpetrated 17 racist acts in 1993, that is to say, one half of the racist acts committed in France in that year. 18/

54. In Germany, the Netherlands, France, and the United States, neo-Nazi groups and parties are emerging - or re-emerging under a new name after having been banned - and are continuing to display openly their attachment to fascist beliefs. Although the racist activism of such groups is more visible and less overtly respectable than that of the traditional parties, it is important not to overlook the role played by the "institutional" racist parties in reducing racism to a commonplace. Such parties include the Front National in France and the Vlaams Blok in Belgium, whose ideas have contaminated the political platforms of other, more moderate parties, which, for purely demagogic reasons, have taken up the arguments in favour of exclusion and mistrust of foreigners.

portraying immigration from outside Europe as the root of all evil. The unprecedented support obtained by the Front National in local elections and their election victories in three major French towns, 19/ reflect the normalization of this form of populism, which is founded on the concept of "national preference" and which, in private, is perfectly willing to espouse fascist values that had been thought to be a thing of the past.

55. In Germany, Almuth Berger, the Commissioner for the Concerns of Foreigners of Land Brandenburg, has remarked that there is increasing ignorance, prejudice and fear directed against foreigners living in the new federal German State. He particularly notes that opinion polls have shown that the citizens of Brandenburg are convinced that the immigrant population makes up 30 per cent of the total population of the State, whereas in reality they account for only 1.2 per cent. The citizens of the older Länder have, however, a less exaggerated view. Here again, in order to understand the phenomenon of xenophobia, it should be noted that, relative to the overall numbers of the immigrant population, the greatest number of the most serious racist acts are committed in the new Länder.

56. In Mellendorf, Germany, on 8 January 1995, four Serbian asylum-seekers (a 24-year-old woman and three of her children) were killed in a terrorist attack, and 11 other people were injured. The police, however, did not consider it a racist act. In February 1995, in Arnsberg, just after the Minister of the Interior had announced that there had been a decrease in racist attacks in 1994, a number of mobile homes inhabited by refugees were destroyed by fire, and one person was injured. 20/

B. Roma, Gypsies or the travellers

57. The Roma, Gypsies or travellers are a minority that has been strongly affected by racist phenomena. Four of them, for example, were killed on 5 February 1995 in Oberwart, Austria, while attempting to remove a sign loaded with explosives and bearing the message "Gypsies, go back to India". According to the front page of the newspaper Le Monde dated 24 February 1995, the police apparently attributed the incident to a settling of accounts among Gypsies, thus giving the presumed perpetrators the time to elude detection.

58. In Italy, a Rom from the former Yugoslavia, Naser Hasani, lodged a complaint against police officers who allegedly arrested him while he was at the steering wheel of his automobile in the centre of Florence, took him to Le Cascine park on the outskirts of the city and then kicked him and beat him with a hammer found in the vehicle and uttered racist insults to him. 21/

59. In Romania, a sizeable Gypsy community estimated at more than 450,000 persons (according to some sources, it might be close to 2 million) encounters racism and discrimination on a daily basis. Amnesty International believes that at least three Roma were imprisoned because of their ethnic origin. A woman from Haradeni was allegedly arrested and jailed for two days after complaining of ill-treatment by the police. "Racial prejudice and neglect of the needs of the Roma community are evident not only in Romania, but throughout the region". 22/

60. In Hungary, Roma experience racist attacks and discrimination. Their life expectancy, access to education and income levels are distinctly lower than the national average. The unemployment rate among the Roma community is estimated at 70 per cent. In the Hungarian town of Gyöngyös on 14 November 1994, approximately 30 skinheads allegedly threw Molotov cocktails at the home of a Gypsy family, the Farkas, who managed to escape the flames. Witnesses of the incident were allegedly struck by two of the attackers. Mr. Farkas apparently attempted to report the incident at the nearest police station but was himself allegedly beaten by police officers. After numerous protests by Roma organizations, a preliminary investigation was initiated with regard to 12 youths aged 15 and 16 years. This attack was the tenth to occur this year in Gyöngyös against Gypsies. 23/

61. The number of assaults committed against the Gypsy population in the Czech Republic is on the increase. In 1993, the Ministry of Justice recorded 46 offences motivated by racial hatred, 35 of which had been committed by skinheads against Gypsies. During the first half of 1994, "77 offences of this type were committed and 49 of them targeted Gypsies. All the above-mentioned offences are the subject of penal proceedings and in some instances the cases are already closed". 24/

C. Other cases of racism and racial discrimination

62. According to two surveys published by the British Medical Journal in February 1995, many medical departments in British universities are said to have introduced in 1991 and 1992 discriminatory ethnic criteria in the selection of candidates who had achieved the same results in competitive examinations, favouring white students, whose chances of being accepted are one and a half times greater than those of African or Asian candidates. 25/

63. In its 1994 annual report, the Canadian Human Rights Commission draws attention to the discrimination encountered by aboriginal people in access to employment. "Despite increasing numbers of young aboriginal people ready to take their place in the workforce, their actual employment still lags far behind what it should be. This was again borne out by the latest data on employment equity in the federally regulated sector and the Federal Public Service". 26/ The report states that "The total number of aboriginal people working for federally regulated companies actually declined between 1992 and 1993, from 6,126 to 6,030. (...) The situation in the Federal Public Service is not much more encouraging. (...) the number of aboriginal people (...) increased between 1992 and 1993 and 1993-1994 by only 51 (...) Their representation thus remained essentially frozen at two per cent of the federal workforce". 27/

64. In Australia, in spite of the 1975 Racial Discrimination Act, the situation of the inhabitants of the Torres Strait Islands and the aborigines is still cause for concern. The overrepresentation of aborigines in prisons is one of the most striking manifestations: although they represent 15 per cent of the prison population, they constitute only 1.6 per cent of the total Australian population. Aborigines are the most disadvantaged group in terms of access to housing, education, health care and employment. 28/

65. In Sweden, 1994 was marked by acts directed against minorities. At least a dozen immigrants were allegedly assaulted and several houses and shops were apparently the targets of arson or were at least damaged. The Government is said to have ordered investigations and prosecuted the persons responsible for those crimes, who in many cases were sentenced to prison. 29/

66. In the Netherlands, the number of racist incidents occurring in 1993 was estimated at 350. 30/

67. In Indonesia, Indonesians of Chinese origin are prohibited from engaging in some of their cultural activities. It is strictly prohibited for them to spread their culture, celebrate their feasts, use Chinese characters, let alone publish articles in Chinese, except those appearing in a daily newspaper belonging to the Government. 31/

D. Racism and racial discrimination against Blacks, negrophobia

68. Racism and racial discrimination against Blacks, negrophobia, continues to exist in various forms in a number of countries.

69. According to the Quebec Committee for the recognition of the Rights of Haitian Workers in the Dominican Republic, which addressed the Subcommission at its forty-seventh session, the situation in the Dominican Republic of the 500,000 braceros (sugar-cane cutters) who are Haitians and Dominicans born in Haiti, is alarming. The working conditions of this underpaid workforce, which has no legal status, were already denounced by the International Labour Organization (ILO) in a report in 1983, but the Dominican Republic has failed to pay any heed to such criticism. The Committee still maintains that these men are "often condemned to live without drinking water or latrines and without access to basic health care or education for their children. Repression, arbitrary detention, the suppression of their freedom of movement, persecution, threats and forced labour are for them an everyday experience". Here again, racism is the primary cause of and at the same time the justification for these violations of the rights and dignity of this Black minority. This manifestation of racism seems to find support at the highest level of the Dominican State, whose President, His Excellency Joaquin Balaguer, wrote that "(...) while [the Haitians] reside in Dominican territory, some of them are having children, which increases the Black population and serves to corrupt the ethnic complexion of the country". 32/ Or still further, "(...) the excess population in Haiti constitutes a growing threat for the Dominican Republic. ... Blacks, left to their instincts and unchecked by the restraint that would be imposed on them by a relatively high living standard, as they are in all countries, reproduce with a rapidity resembling that of plant species". 33/

70. In Canada, racial hatred is being increasingly spread by groups that preach the "supremacy of the white race" and are linked to extreme right-wing paramilitary groups in the United States of America. Groups such as "the Aryan Nation" or "the Heritage Front", which are descendants of the first Canadian Ku Klux Klan cell established in 1921, openly flaunt their hatred of Blacks. Weapons seizures carried out by the police among some of the militants in these organizations have given rise to fears on the part of many observers of further

outbursts of violence and the temptation for these groups to resort to terrorism. 34/

71. It is regrettable that the racism spread by Canadian racist groups can be exported: an amateur videotape broadcast by the CBC in January 1995 and filmed, according to Agence France-Presse, in Somalia in 1993, showed Canadian Blue Helmets uttering racist insults to Somalians, one of them saying: "We still haven't killed enough Blacks". The Canadian authorities reacted speedily. Several Canadian soldiers were tried and convicted by military courts of the murder of a Somali adolescent and acts of torture committed at the same time in the Belet Uen detention camp in Somalia.

72. Negrophobia is also violently expressed in Europe. The death on 23 February 1995 in Marseilles of Ibrahim Ali, a French lycée student from the Comoros killed by billposters belonging to the National Front, a French extreme-right party, when they fired a bullet into his back, is an extreme expression of this. The three members of the extreme right-wing party have been placed under investigation for murder, attempted murder and complicity.

73. In 1994, other violent racist acts were recorded: on 16 April, a man from Guadeloupe was seriously injured in Clermont by three inebriated youths; on 30 April in Saint-Ouen-L'Aumone, two militants from GUN (Groupe Union Nationaliste, an offshoot of the National Front for Youth) assaulted two residents of African origin living in a Sonacotra hostel. The perpetrators of these acts were imprisoned.

74. In Portugal, where racist violence is rarer, owing to the poor economic situation and the growing rate of unemployment more and more persons are turning towards extreme right-wing groups. The first victims of this social and political upheaval are immigrants from Portugal's former African colonies. On the night of 11 June 1995, for example, approximately 50 skinheads attacked persons of African origin in the centre of Lisbon. Twelve of those persons had to be hospitalized, including Alcindo Monteiro, a Portuguese national from Cape Verde, who died of his injuries the following day. On 16 June, approximately 10,000 persons demonstrated in Lisbon to protest racism in their country and the murder of their Black fellow countryman. 35/ The following day, two white Portuguese nationals were stabbed as a reaction, according to the police, to the murder of Monteiro.

75. Negrophobia also affects Germany, where in October 1994, a Nigerian was injured in several places when kicked and stabbed with a knife by a group of young skinheads. In the middle of September, an asylum seeker from Ghana was thrown from a commuter train by four men. He was found severely injured the following day on the tracks and had to have a leg amputated. 36/

76. Violence by the police against Blacks also exists in Italy, where there were four cases of ill-treatment and unjustified arrests of three Zairians and a Nigerian, who were molested and humiliated by carabinieri. 37/ Although the victims lodged complaints following these incidents, the procedure was apparently successful only in the case of one of them, who had been savagely kicked and beaten with truncheons by three police officers and left unconscious

by the side of the road. The three men were given suspended one-year prison sentences.

77. Lastly, it should be pointed out that international organizations have not been free of some manifestations of racism with regard to Blacks. The forty-eighth World Health Assembly resulted in the indictment of the Director-General of WHO, Hiroshi Nakajima, who, on 21 January 1995 at a meeting of a subgroup of the WHO Executive Board is said to have made comments that were considered racist, stressing the difficulty that African employees at the organization's headquarters had in "conceiving, drafting and completing working documents". The Director General subsequently expressed his apologies to the African countries and peoples.

E. Racism and racial discrimination against Arabs

78. Recent attacks perpetrated in France, the Middle East and the United States of America tend to reinforce anti-Arab feelings in the West.

79. In the United States of America, a wave of anti-Arab hatred occurred after the deadly attack which destroyed a building housing federal offices on 19 April 1995 in Oklahoma City. Some media and political personalities were quick to attribute, rather imprudently, that act to terrorists from the Middle East. "Insults, broken windows, smashed windshields, such was the penalty imposed on Arab-American victims after the attack (...)". 38/ Walls were decorated with the message "Arabs go home"; some were threatened with death for what "their people" had done. The baby of Suhair al-Mosawi, a 26-year-old Iraqi refugee, was stillborn after the mother had been molested by Americans. A man even proposed on a television channel that Arab-Americans should be interned in camps "as was done for Japanese-Americans during the Second World War".

80. Public condemnation is not the only form of racism caused by such attacks, for which very frequently there is an attempt to find a predictable culprit as speedily as possible. The civil war in Algeria prompted French authorities a year ago to step up a pressure on the North African population by increasing the number of round-ups, identity checks and arrests of persons of Arab origin suspected, rightly or wrongly, of being linked to Algerian Islamist groups. The recent deadly attacks in Paris, attributed, without complete certainty, to an Islamist terrorist organization, have demonstrated a psychosis which readily feeds on anti-Arab racism.

81. Arabs in France, whether they are of French nationality or not, are, according to the National Consultative Commission on Human Rights, the first victims of racism and racial discrimination. Indeed, approximately two thirds of the racist acts recorded in 1994 were directed against North Africans. 39/

82. On 6 August 1994, a young man from a Harki family was subjected to racist insults by a band of inebriated youths and drawn into a fight. His body was discovered the following day at the foot of a cliff.

83. On 1 May 1995, during the traditional parade by the National Front, supporters of this extreme right-wing party threw a Moroccan into the Seine,

where he drowned. Lastly, in August, Sid Mohamed Amiri, a young man with dual French and Algerian nationality, was beaten up in an abandoned quarry in Marseille by three police officers, who, according to the victim, attempted to kill him and robbed him of 2,000 francs. The three police officers were immediately suspended and charged with assault and battery and premeditated robbery.

84. In addition, in 1994, seven mosques were targets of numerous destructive acts (the throwing of Molotov cocktails and arson). 40/

85. One particular phenomenon was really taken into account only in 1994. This relates to attacks against North Africans in Corsica. Twenty violent acts causing the death of a Moroccan (killed in Ajaccio on 4 February) and injuring five persons (also Moroccan) were recorded in 1994. "These manifestations, which hardly evoke any reaction, are becoming commonplace." 41/

86. In Italy, this form of racism, although not as widespread as in France, is partly the work of police officers. For example, the Tunisian Said Alaoui allegedly was savagely beaten during an identity check in the street by four plain-clothes police officers, then taken in an automobile to an office of the municipal police. 42/ A witness of the incident, Biagio Imposimato, was allegedly threatened with loss of his job if he "said too much" and then was struck and insulted. The police officers added that it was people like him "who want Moroccans in Italy". He was accused of incitement to disobey the law and then released.

F. Anti-Semitism

87. Anti-Semitism remains a problem in many countries and is particularly sensitive to geopolitical developments in the Middle East. The signing of the Israeli-Palestinian peace agreements triggered a recrudescence of anti-Semitic acts. The Institute for Jewish Affairs warned in its annual report for 1995 against growing anti-Semitism among radical Muslims in Algeria, Jordan and Egypt, and singled out for special mention Hizb al-Tahrir, an organization with headquarters in London, which has called for the killing of Jews.

88. Anti-Semitic violence in France has ebbed slowly since 1991, levelling off in 1994, when 19 violent acts were recorded, as against 17 in 1993. 43/ These acts were directed for the most part against synagogues, but members of the French Jewish community were also targeted. Some of these acts were committed by members of the far right linked to the United States neo-Nazi group NSDAP-AO and also by isolated individuals motivated by a simple-minded anti-Semitism not based on any particular ideology. Eight of these acts were allegedly carried out in reprisal for the massacre of several dozen Palestinians on 25 February 1994 at the Cave of the Patriarchs in Hebron in the West Bank.

89. Two events in particular have caused considerable agitation among the Jewish community. The first was the double desecration, in May and July 1994, of a plaque at Rillieux-la-Pape honouring the memory of the seven Jews killed by the Lyons militia in 1944 on orders from Paul Touvier. In April, Paul Touvier became the first French citizen to be convicted of a crime against humanity

The second event was the sending by the Swiss Jürgen Graf to several members of Parliament from the departments of Est and Île-de-France of his book which denies the existence of the holocaust, L'holocauste au scanner, distributed from Belgium. The circulation of the book in France was banned in December 1994.

90. Like racism in general, anti-Semitism is particularly developed in the Paris region, where there is a large Jewish community and skinheads are very active. 44/ Alsace and Lorraine, too, are especially affected, owing to a hard core of neo-Nazi militants belonging to the Parti Nationaliste Français Européen (PNFE).

91. In 1994 the police questioned eight suspects and charges were brought in every case.

92. According to official statistics, anti-Semitism increased in Germany by 60 per cent in 1994, with 1,040 incidents reported, including 56 violent acts. The most serious incident was the destruction of the Lübeck synagogue by fire on 25 March. This criminal act was the first to be committed against a Jewish place of worship since the Second World War. Four men were convicted and sentenced to two and a half to four and a half years of prison for the act. The deputy mayor of Lübeck, who had protested against the leniency of the judges towards the men, escaped being injured by a letter bomb which police believe to have been sent from Austria by an extreme right-wing organization.

93. On 8 May 1995, 50 years to the day after the surrender of the Nazi regime, the synagogue, which had just been rebuilt, was the target of another fire bomb attack. A few days earlier, 103 headstones had been overturned in a Berlin cemetery where victims of Nazism were buried. 45/

94. In 1994, more than 90 per cent of anti-Semitic incidents involved graffiti and the distribution of propaganda and insignia of banned organizations. Three cases of bodily injury and more than 40 incidents involving desecration of monuments, including acts of vandalism at the former Buchenwald concentration camp, were recorded. 46/

95. In Austria, Jörg Haider, leader of the Freiheits Partei Österreich (FPÖ), an extreme right-wing party, speaking during a parliamentary debate on recent bombing attacks against Roma, sought to minimize the persecution of Jews in the concentration camps, which he described as "punishment camps". 47/

96. Anti-Semitic incidents are rare in Hungary. Mention should be made, however, of the many swastikas and other anti-Semitic graffiti which appeared during the electoral campaign. In March a Jew was stabbed in the thigh by two skinheads in the Budapest underground.

97. In Ukraine, Jews, who number more than 500,000, are the second largest ethnic minority in the country. Jews are worried about expressions of anti-Semitism, especially the rise of an ultra-nationalist group in the western part of the country which has made the spread of anti-Semitism one of its aims. The group has not yet won approval as an official party at the national level, but has been able to operate openly in the city of L'viv. Mention should also

be made of reports that anti-Semitic articles continue to appear in local newspapers and that more than five Jewish cemeteries have been desecrated. 48/

G. Discrimination against immigrants and migrant workers

98. On 27 December 1994, at Torvaianica, Italy, a 15-year-old girl was accidentally killed by a car in which four intoxicated Moroccans were riding. The following day, a Moroccan was attacked with a knife by an Italian in a bus. Another was knocked off his motorcycle and beaten up by four Italians. On 1 January 1995 a Moroccan was wounded by a bullet and an Indian stabbed. These acts of aggression seem to testify to the growth of anti-immigrant sentiment in Italy. 49/

99. Once a country of emigration, Italy is today host to some 1.5 million workers, both legal and illegal, from Africa and Eastern Europe, and its population is not accepting of their presence. The response of the coalition Government in power at the time, which included Ministers belonging to the National Alliance, with neo-Fascist leanings, was to propose, like other European countries, that immigration be sharply curtailed.

100. In Asia, Japan and the newly industrialized countries (Singapore, Malaysia, Thailand and the Republic of Korea) are currently facing an unprecedented influx of migrant workers. The number of transregional immigrants in Asia is estimated today at 2 million, as compared with 200,000 in 1980. 50/ The receiving countries benefit from cheap labour, but the presence of these migrants is not always welcome.

101. In Malaysia, migrants are reportedly considered to be sources of disease and crime. In the Republic of Korea, people complain about their presence and in Japan extreme right-wing groups have put up xenophobic signs in parks to which foreigners go in large numbers. Often, the presence of migrants is depicted as a threat to national security. The Republic of Korea has vowed to expel all illegal aliens by 1999 at the latest. 51/

102. The tendency to blame foreigners for domestic problems is therefore assuming world-wide proportions.

103. Four fifths of the immigrant population in Europe is concentrated in six countries (Belgium, Germany, France, the Netherlands, Switzerland and the United Kingdom) and among that population there are many who have been victims of racist behaviour and discrimination. In Germany, for example, Turkish residents continue to be the main victims of xenophobic acts.

104. In several countries where the number of immigrant workers is relatively large, businesses refuse to hire foreigners on a variety of pretexts: "the employees will not accept foreigners or persons of colour"; "the public image of the company would suffer". Employers are not required to give reasons for hiring or rejecting job applicants and it is thus easy, in the absence of any tangible proof, to evade any accusation of unlawful discrimination.

105. Alongside this discrimination in hiring, in some countries there are legislative and regulatory provisions prohibiting foreigners from engaging in certain occupations or limiting their number, reflecting in some cases the fear of foreign influence in areas supposed to be sensitive but more often a desire to protect the economic activity of nationals against foreign competition, or, in other words, protectionist concerns.

106. Within companies, discrimination, which is hard to prove, influences conditions of employment, wages and career development, and determines who gets laid off. Racism is encountered daily in companies where the atmosphere may be marked by jokes in poor taste and by widespread stereotyping. It is believed that this kind of racism does not entail any real danger of exclusion or discrimination, and, as a result, it is tolerated. That is why those who sometimes make racist remarks and those who are on the receiving end of such remarks are not aware that a crime is being committed. Growing job insecurity and fear of unemployment often lead victims to accept humiliating situations and witnesses to abdicate their responsibilities. Some say that the legal framework in the closed world of a company does not provide adequate guarantees of effective protection.

107. Many studies by ILO 52/ identifying the forms of discrimination to which migrant workers are subjected emphasize that they are concentrated in certain branches of economic activity: those in which seasonal variations in demand are greatest and in which there is the least scope for acquiring job skills. All the conditions are present therefore for a systematic avoidance of the use of labour contracts, particularly through resort to the employment of illegal workers.

108. The nationals of a country, especially in times of unemployment, focus their attention on immigrants, who are accused of taking jobs away from them. These fantasies are fed by the spectre of illegal immigrants, to whom the press gives a great deal of coverage. This is the result of a situation which one observer has described in the following terms:

> "The old law of classical economics has not aged one bit: competition for jobs drives down the level of wages. It is useful in some situations to give employment to some categories of the population which have traditionally been paid less than the historical level of wages, while at the same time creating the impression that these workers are interlopers." 53/

109. The laws enacted in the Western countries, sometimes prompted by xenophobia, have not succeeded in stopping immigration or in significantly reducing the number of aliens in their national territories; rather they have helped to marginalize many of these aliens by changing their status from legal to illegal. Since immigration was suspended, France's policy has focused on controlling flows and checking illegal immigration and on integrating the legal immigrants. France has rallied the group of European countries linked through the Schengen Agreement in support of stepped-up controls along Europe's borders. On 22 August 1995, France's Minister of the Interior announced the intention of increasing expulsions of illegal aliens by 50 per cent by resorting to

collective expulsions, which, according to him, were more economical and more effective as a deterrent.

H. Discrimination against women

110. The obsessive fear of an invasion from within can result in serious violations of the rights of immigrant or minority women and offences against their person. Two examples might be mentioned. In February 1995 a Somali woman who was seven months pregnant was reportedly beaten to death in a bus in Ostia, Italy, by three youths aged 16 and 17 years who were arrested. A Bangladeshi woman was injured in the same circumstances several days later. 54/

111. The case of Moufida Ksouri should also be mentioned. On 15 July 1993, this young Frenchwoman of Arab origin was raped by two Italian police officers in the premises of the frontier checkpoint at Ventimiglia, Italy, and then by a member of the French air and border police, who reportedly made racist remarks in addition, in the adjoining French checkpoint at Menton. The two Italian police officers were found guilty and sentenced to five years and eight months in prison. As of April 1995 the French court proceedings had not yet been concluded. 55/

I. Racism and discrimination against children

112. On 23 September 1993, Tarzan Sulic, an 11-year-old Rom, was killed by a bullet fired at point-blank range by a police officer in Padua (Italy) and his female cousin, Mira Djuric, was seriously wounded when they were held illegally in a cell at a police station. The murderer was given a suspended sentence of five months and two days' imprisonment. 56/ In July 1994, two Italian railway police officers are said to have taken two young Romany girls aged 11 and 13, who were begging, to the police station at the Porta Nuova Station in Turin and cut their long hair before releasing them. The Romany cultural tradition attaches great value to the long hair of Gypsy women. Other similar humiliations to punish beggars are said to have been recorded in Milan and Rome. 57/

113. In France, children born of foreign parents on French soil are regarded as full French nationals, but it sometimes happens that, as a result of hasty procedures, they find themselves separated from one of their parents when the latter is found to be illegally in the territory, despite the legislation which prohibits the expulsion of parents of French children. The failure to regularize the administrative situation of such parents inflicts a certain injury on them, but inflicts an even greater one on their children, who are thereby deprived of a normal family life. 58/

114. At times, racial discrimination is coupled with violence against children. In Brazil, for instance, the majority of street children killed by the death squads are Black or of mixed race. In the State of São Paulo, the proportion of Black or mixed-race children killed is estimated at 56.7 per cent. 59/ In Rio de Janeiro, where in July 1993 the massacre of seven children in front of the

Candelaria church aroused national and international public opinion, the proportion rises to 80 per cent. 60/

115. Discrimination against children is also evident in education. For instance, many authorities refuse to provide schooling for foreign children, on account of their inadequate knowledge of the language in which instruction is provided (United States, New Zealand ...) or on account of the irregular situation of the parents in the territory (a case which was reported in many municipalities in France in 1993). The aim of Proposition 187, which is currently suspended on account of an appeal to the United States Supreme Court, was also to prohibit the access of children of undocumented migrant workers to education in the state of California.

116. Similarly, in eastern Ukraine, Russian speakers have complained of the growing use of the Ukrainian language in the schools and in the media. They claim that their children are at a disadvantage since the introduction of tests of knowledge of Ukrainian in university entrance examinations. 61/

117. The denial of access to education, in many cases in violation of the law, blocks the integration of foreign children, an integration for which the school serves as the first, and probably the most effective, vector.

J. Incitement to racial hatred and freedom of opinion and of expression

118. The role of certain media in reporting racist remarks and appeals to violence, ethnic or racial hatred and genocide, using either clandestine or legally established radio stations, is becoming increasingly a matter for concern.

119. In Burundi, for example, the conflict between the Tutsi and the Hutu is fed by calls for war and for violence and hatred propagated by clandestine radio stations such as Radio Rutomorangingo. 62/ The extent of the massacres of the Tutsi of Rwanda can be attributed to the campaign for the extermination of the Tutsi orchestrated by Radio-Télévision Libre des Mille Collines (RTLM). 63/ The newspapers Le Carrefour des Idées, L'Aube, Le Témoin, Nyabusorongo, L'Eclaireur and Le Miroir have helped to transmit those messages. Others have incited to interethnic violence by means of coded messages.

120. In the former Yugoslavia, the same phenomenon has been observed to the detriment of the non-Serbs. In Uppsala, in Sweden, Radio Islam engaged in the same type of propaganda against the Jews. Its Director was sentenced to six months in prison on a charge of incitement against an ethnic group for having, in 1989, broadcast programmes which attempted to maintain that one of the commandments of Judaism was mitzvat Amalek, which was said to make it incumbent upon Jews to kill all non-Jews.

121. Apart from the hate media, the traditional media contribute to differences of opinion with regard to immigrants, ethnic minorities and indigenous populations by propagating stereotypes and summary or tendentious analyses which help to reinforce the prejudices on which intolerance flourishes.

122. Media coverage of events relating to immigration and its repercussions can help to exacerbate racist and xenophobic sentiments. Foreigners in general, and immigrants in particular, are often characterized by certain media as delinquents or as bringing with them a destabilizing influence, violence, or disease; 64/ or they are presented as people incapable of adapting to the national values. Polls carried out by the media often ask such questions as: "Could the expulsion of immigrants have a favourable influence on the employment situation?" or "Of the following scourges of our society: unemployment, insecurity, immigration, drugs, which seems to you the most urgent to control?".

123. These methods strengthen the informal techniques of exclusion and isolation in urban ghettos and keep alive the culture of intolerance of foreigners or of those of the population belonging to minority groups. As an example, mention might be made of the generally accepted ideas which tend to associate the phenomena of drug abuse, delinquency and terrorism with immigration and racial or ethnic origin and which can, as a result of many repetitions in the media, lead those belonging to the majority group to have mental perceptions in which subjectivity and objectivity become confused.

124. Similarly, the lexicological choice made and the selectivity used in dealing with an event, and thus, for example, in designating some of the actors, will affect the perception that the public will have of an immigrant community or a given ethnic or racial group. 65/ Thus, the deliberate choice made by certain journalists to cover only sensational events helps to create a caricature, an often unfavourable image, of ethnic minorities. The latter will appear on the front page only when one of their number is involved in a matter relating to morals, drugs or illegal immigration and, in general, when he or she has failed to conform to the standards of the host society. Thus, certain terms used to designate objective geographical realities, such as "Arabs", "North Africans" or "Africans", have, as a result of their pernicious use, come to have pejorative connotations among the fringe population in Western societies.

125. When foreigners are presented in a favourable light by the media, the emphasis is on their utilitarian aspect, their essential contribution to the national (economic) wealth, and only rarely on their cultural enrichment contribution. Some reports, by presenting the traditions of minorities in an old-fashioned or quaint manner, may help to perpetuate the myth of the noble savage and there may be inherent in them the view of the superiority of the majority culture of Western society, more urbanized and further removed from its peasant roots or traditions. The existence of ethnic minorities is justified only by their contribution to the well-being of the majority or as a result of its good will.

126. To take the example of the United States, the media, apart from substituting the term "African American" for those of "Nigger", "Negro" or "Black", in feigned or genuine support of the doctrine of "political correctness", should endeavour to provide images of the African-American community which are not reduced to the clichés of dealer, prostitute, procurer, drug addict or delinquent.

127. It is comforting and encouraging to note the mobilization of certain papers specializing in political analysis or commentary to denounce and censure racism

and xenophobia. The mass media have a decisive role to play in combating racism and in arousing an awareness of acceptance of others and respect for the dignity of the human being.

128. Incitement to racial hatred is also practised by more or less well organized political groups, or even individuals, who do not have access to the mass communications media. Their racist message is therefore disseminated on a smaller scale and in a more insidious manner. In 1994, for instance, a resumption of threats was noted in France, mainly in the form of racist tracts and graffiti. "The Algerian political context is in all likelihood responsible for the resurgence of former provocative tracts such as JALB and Francarabia musulmane, which had almost disappeared after January 1992. ..." The end of 1994 was marked by the appearance of a new pamphlet, essentially anti-Muslim, which was addressed to several security companies. Emanating from the so-called "Forces républicaines de Libération de la France", it urged them to "kill, crush, burn, dynamite everything which is Algerian or Arab, preaching Jihad on our soil". 66/

129. In the United Kingdom, an important rally of Muslim fundamentalists was held at Wembley Stadium on 7 August 1994 under the banner of the British organization Hizb al-Tahrir. In January 1994, this organization had publicly called for the murder of Jews throughout the world to "hasten the coming of the Last Judgement". 67/

130. Governments are facing the delicate task of finding a proper balance between the conflicting principles of a democratic society: the obligation to recognize the freedom of expression of all its members, and the obligation to protect ethnic minorities against insults and persecution. The task is all the more delicate in that language can be adapted to arrive at racist conclusions without incurring the penalties of the law. Racism can henceforth be expressed using the words of democracy.

131. The emphasis has been placed on the resolute manner in which neo-Nazi parties are the ones most often condemned or banned. Democratic societies are, however, confronting the emergence within democratic parties of extreme right-wing political organizations of a new kind "capable of playing an effective part in national political life to the point of shaking up the traditional power structure. These organizations appear more 'modern' in the sense that their leaders have quickly understood that in order to win over the electorate they must detach themselves from old ideological references to fascism or national socialism ...". 68/ The prototypes of these parties are the Centrum Democraten in the Netherlands, the Front National in France, the Republikaner in Germany, the Front National and the Parti des forces nouvelles, the Vlaams Blok, in Belgium, the Freiheitspartei Österreich FPÖ in Austria and the Movimento Sociale Italiano (MSI) in Italy. This pressure of nationalist xenophobic movements reflects a growing estrangement between elite groups and ordinary citizens.

IV. MEASURES TAKEN BY GOVERNMENTS AND INTERGOVERNMENTAL ORGANIZATIONS

A. Education in human rights and measures to combat racism, xenophobia, anti-Semitism and intolerance

1. Governments

132. On 16 July, on the occasion of the ceremony commemorating the fiftieth anniversary of the round-up at the Vélodrome d'Hiver, the President of the French Republic recognized for the first time France's share of responsibility for the deportation of Jews during the Second World War and the State's permanent debt to the victims.

133. The Mexican Government, after informing the Special Rapporteur that no instance of racial discrimination had been brought to its knowledge, stated that "the National Human Rights Commission has prepared a programme of education in human rights, the purpose of which is to include the study of human rights in the school curriculum at the elementary level and to train the teaching personnel". 69/ Educational support materials have been prepared and an educational project along those lines has been introduced, on an experimental basis, in a primary school in the Federal District.

134. In Portugal, there are programmes and activities aimed at promoting harmony, tolerance, dialogue and solidarity among peoples. In particular, the project for intercultural education is designed for pupils enrolled in compulsory education who come mainly from ethnic cultural minorities, as well as teachers, families and communities. In the same context, mention should be made of the Coordinating Secretariat of Multicultural and Intercultural Educational Programmes, which was established on 13 March 1991. It comprises the central and regional services of the Ministry of Education and its function is to coordinate, stimulate and promote, at the level of the educational system, programmes and activities aimed at encouraging harmony, tolerance, dialogue and solidarity among peoples; promoting intercultural dialogue, in collaboration with parents' associations, pupils and municipal and other local institutions; promoting civics literacy activities in communities; and carrying out characterization studies of zones and schools at risk, with regard to conflicts or racial violence. 70/

135. Sweden, for its part, has undertaken to wage a campaign against xenophobia, aimed at young people, from 1994 to 1996, in connection with the campaign of the Council of Europe against racism, xenophobia, anti-Semitism and intolerance, adopted on 8 and 9 October 1993 in Vienna. Sweden is also participating actively in the Nordic countries' campaign against xenophobia. 71/

136. The Netherlands Government has undertaken to make public opinion more aware of questions relating to racism and discrimination through publicity campaigns and legislative initiatives. 72/

2. European authorities

137. On 26 January 1995, 50 European deputies decided to establish a branch of the Interparliamentary Council against Anti-Semitism within the European Parliament. During the inaugural meeting of the branch, at which the question of combating revisionism in Europe was being considered, it was proposed that the countries of the European Union should harmonize their anti-racist legislation.

138. On 17 February, the European Parliament adopted a resolution on racist murders in Austria, in which it condemned all acts of racial hatred and those who, espousing racist prejudices and xenophobia, promoted the introduction of a climate which was conducive to such crimes, and it urged the Austrian authorities to use all necessary means to bring the guilty parties to justice. 73/ It also invited the Ministers of the Interior and of Foreign Affairs of member States to establish an ad hoc working group to control and combat terrorist, racist and extreme right-wing groups.

139. Lastly, in February 1995, 21 States of the Council of Europe signed the framework agreement for the protection of national minorities. 74/

3. United Nations Educational, Scientific and Cultural Organization

140. During the past year, UNESCO has had occasion to organize or to participate in several seminars dealing with racism and racial discrimination. On 13 and 14 May 1994, for instance, a workshop on new forms of discrimination, organized jointly by UNESCO and the Marangopoulos Foundation for Human Rights, was held in Olympia (Greece). At that meeting, experts representing intergovernmental organizations engaged in combating discrimination discussed the following topics: discrimination against immigrants, the protection of refugees, and the prevention of discrimination against minorities.

141. UNESCO participated in the work of the seminar on "exclusion, equality before the law and non-discrimination" organized by the secretariat of the Council of Europe in collaboration with the Intercentre of Messina in October 1994.

142. In November 1994, UNESCO and the Centre for Studies on Turkey, organized an international conference on the theme "Migrants in the European Union: between integration and xenophobia". Five major topics were discussed during the conference:

(a) Theories of genetics as the basis for human behaviour;

(b) Current factors and causes of racism, violence and intolerance and how they can be addressed;

(c) "New racism" and national socialism - perspectives and possible solutions based on studies in the fields of social science, natural science and culture;

(d) International and intra-societal problems of violence - causes and patterns;

(e) For a culture of peace and democracy - conditions and options for the overcoming of racism, violence and intolerance.

143. Lastly, mention should be made of the participation of UNESCO in the organization of the International Seminar on Tolerance, held at Bucharest from 23 to 26 May 1995, under the auspices of the Organization for Security and Cooperation in Europe, the Council of Europe and the Government of Romania.

B. Application of administrative and legislative procedures against racial discrimination

144. In Germany, thanks to the vigorous action of the federal Government, the number of racist or xenophobic criminal acts is said to have decreased by 50 per cent. During the first half of 1994, 1,895 crimes against foreigners were committed, ranging from attempted murder to arson. 75/ Data published by the federal Government in January 1995 indicated that 1,233 acts of violence were perpetrated by the extreme right during the first 11 months of 1994. 76/ This shows a significant decrease in the violence committed by extreme right-wing groups in relation to the previous year.

145. While the overall number of violent attacks has appreciably decreased, the fact remains that racist and xenophobic sentiments also continue to be expressed non-violently, by means of graffiti or through the clandestine dissemination of neo-Nazi propaganda. In addition, the violence perpetrated against foreigners sometimes seems to be accompanied by conduct on the part of certain elements in the German law enforcement agencies which is motivated by feelings of xenophobia. A distinction needs, though, to be made between the situation in the old and the new Länder, in that police action often appears to be more prompt and effective in the western part of Germany. It is, however, important to note that the proportion of racist crimes solved by the police has risen from 8 per cent in 1993 to 30 per cent in 1994. 77/

146. The German Government's response to the resurgence of violence from the extreme right has had positive effects over the past two years. Programmes designed to educate youth and promote closer relations between Germans and foreigners have been instituted; however, the issue of training and motivating the police forces in the new Länder still calls for constant attention and substantial resources.

147. Under the terms of the German Constitution (Fundamental Law), only the Constitutional Court can ban political parties. It is also the Court which decides what organizations may be classed as "parties", thus delimiting the freedom of action of the federal Government and the local authorities. Following reunification, the Government stepped up the campaign against the most radical organizations of a national-socialist persuasion. Thus in February 1995, two organizations 78/ were banned, one by the Ministry of the Interior and the other by the Hamburg authorities. In May 1995, a neo-Nazi organization (Direct Action-Middle Germany) with 70 known members, some of whom

were advocating recourse to terrorist action, 79/ was also banned. This was the fifth banning since 1990. In 1993, the listing of the Federal Office for the Protection of the Constitution included 77 extreme right-wing groups with a total of 42,000 members.

148. In February 1995, two Germans charged with intimidation and public incitement to commit a crime were sentenced respectively to two years' imprisonment and an 18-month suspended sentence for having drawn up a list of 280 "anti-nationalist" individuals to whom they had promised "restless nights". 80/

149. In France, in May 1995, a court ordered the withdrawal from a controversial translation of the Bible of certain passages 81/ which it felt were likely to revive anti-Semitism. The publisher is to be ordered to pay to the International League against Racism and Anti-Semitism 300 French francs for each copy sold after 11 May.

150. Sometimes, despite stricter and more comprehensive legislation, the courts do not make use of racism as the charge, preferring to pass sentence on the basis of more traditional common-law grounds. An example is the case of the neo-Nazi leader Mr. Priem, who in May 1995 was sentenced by the Berlin Criminal Court to three and a half years' imprisonment for illegal possession of weapons, 82/ although racist propaganda had also been found at his residence.

C. Measures beneficial or harmful to groups that are victims of racism and racial discrimination

151. Following his mission to the United States of America (9-22 October 1994), the Special Rapporteur made, among others, the following recommendations to the United States Government:

(a) It should explicitly acknowledge "that 30 years of intense struggle against racism and racial discrimination have not yet made it possible to eliminate the consequences of over 300 years of slavery and racial discrimination, particularly where African Americans are concerned";

(b) It should revitalize "affirmative action programmes ... in order to offset the negative consequences of the policy pursued during the 1980s in the fields of health, housing, education and employment". 83/

152. The Special Rapporteur notes that since the beginning of the year an intensive debate has taken place in the United States over the need to abolish, maintain or recast programmes comprising measures for the benefit of disadvantaged groups (affirmative action). The positions taken by the three main branches of power - the executive (the President and his administration), the legislature (Congress) and the judiciary (the Supreme Court) - as well as by other influential figures, including the Governor of California, have a not insignificant impact on the direction of the debate and the future options. Accordingly, it is important to draw the attention of the General Assembly to the importance that attaches to maintaining affirmative action programmes in

order to guarantee by law an effective equality of opportunity for members of ethnic and racial minorities.

153. The United States Supreme Court seems to be taking an increasingly retrogressive position with regard to affirmative action, as is apparent from its decision of 12 June 1995, Adarand Inc. v. Pena, in which it ruled that the award of a contract to a company belonging to a member of an ethnic minority instead of to a company whose owner is white, under the terms of certain programmes in favour of ethnic minorities, was unconstitutional. The Court clarified that "many federal affirmative action programs, under the equal protection component of the Fifth Amendment's Due Process Clause, must be reviewed by the Courts using 'strict scrutiny'. To surmount this hurdle the program must be shown to meet a 'compelling governmental interest' and must be 'narrowly tailored to meet that interest'. To many legal scholars strict scrutiny is an insurmountable obstacle. This means the Government could have to prove that each program helps only those individuals who can show they were victims of past discrimination, and not just attempts to help all racial minorities."

154. This retrogressive attitude of the Supreme Court, which is supported by the majority of Congress, stems from the idea that affirmative action measures have achieved their objectives and have thus become pointless. The opponents of affirmative action claim that the system creates reverse discrimination against whites. In California, Governor Pete Wilson, who is seeking the Republican nomination in the 1996 presidential elections, shares this view, and accordingly, on 10 August 1995, called upon the Court of Appeal of the State of California to declare a number of affirmative action programmes unconstitutional.

155. The opposition of the Supreme Court and the majority of Congress to measures directed against racial discrimination runs counter to the conclusions arrived by a recent survey conducted on the initiative of the President of the United States in relation to the implementation of affirmative action programmes. The authors of the survey report the following findings:

> "There has been undeniable progress in many areas. Nevertheless, the evidence is overwhelming that the problems affirmative action seeks to address - widespread discrimination and exclusion and their ripple effects - continue to exist.
>
> "Minorities and women remain economically disadvantaged: the black unemployment rate remains over twice the white unemployment rate; 97 percent of senior managers in Fortune 1000 corporations are white males; in 1992, 33.3 percent of blacks and 29.3 per cent of Hispanics lived in poverty, compared to 11.6 percent of whites. In 1993, Hispanic men were half as likely as white men to be managers or professionals; only 0.4 percent of senior management positions in Fortune 1000 industrial and Fortune 500 service industries are Hispanic.
>
> "Blatant discrimination is a continuing problem in the labor market. Perhaps the most convincing evidence comes from 'audit' studies, in which white and minority (or male and female) job seekers are given similar

resumés and sent to the same set of firms to apply for a job. These studies often find that employers are less likely to interview or offer a job to minority applicants and to female applicants.

"Less direct evidence on discrimination comes from comparisons of earnings of blacks and whites, or males and females. Even after adjusting for characteristics that affect earnings (such as years of education and work experience), these studies typically find that blacks and women are paid less than their white male counterparts. The average income for Hispanic women with college degrees is less than the average for white men with high school degrees.

"Last year alone, the Federal Government received over 90,000 complaints of employment discrimination. Moreover, 64,423 complaints were filed with state and local Fair Employment Practices Commissions, bringing the total last year to over 154,000. Thousands of other individuals filed complaints alleging racially motivated violence and discrimination in housing, voting, and public accommodations, to name just a few." 84/

156. The President of the United States, for his part, has stated that his Administration will continue to support measures designed to ensure equality of opportunity in employment, education and access to public markets for Americans who are victims of racial discrimination or its ongoing effects, to the extent that such measures make a real contribution to the attainment of the objectives in pursuit of which they were instituted. However, he has embarked on a policy of recasting these measures by ordering all heads of public departments and agencies to comply with the following guidelines: "The policy program must be eliminated or reformed if it: (a) creates a quota; (b) creates preferences for unqualified individuals; (c) creates reverse discrimination; or (d) continues even after its equal opportunity purposes have been achieved." 85/ He also stated that "the Supreme Court's recent decision in Adarand Inc. v. Pena requires strict scrutiny of the justifications for, and provisions of, a broad range of existing race-based affirmative action programs. You recently received a detailed legal analysis of Adarand from the Department of Justice. Consistent with that guidance, I am today instructing each of you to undertake, in consultation with and pursuant to the overall direction of the Attorney General, an evaluation of programs you administer that use race or ethnicity in decision-making. With regard to the programs that affect more than one agency, the Attorney General shall determine, after consultation, which agency shall take the lead in performing this analysis".

157. The principles of affirmative action which are today disputed in the United States have nevertheless convinced a number of States by their validity. For example, under a decree of 1983, Spain has developed a policy of "positive discrimination" in favour of the gypsy population, with a view to eliminating the barriers impeding access to school and scholastic advancement of gypsy pupils and "other groups in a similar social and economic situation". 86/

158. Likewise, in the Netherlands, a law which entered into force on 1 July 1994 requires employers whose companies employ more than 35 workers to communicate to their local chamber of commerce the number of their employees who define themselves as members of "non-Dutch" ethnic groups. These employers must then

submit confidential affirmative action plans which include recruitment objectives and proposals as to how to attain them. 87/

159. On 23 September 1993, the Government of Portugal established an Inter-departmental Commission on the Integration of Immigrants and Ethnic Minorities. It comprises four representatives of the Ministry of Employment and Social Security, one representative of the Inter-Cultural Programme conducted by the Ministry of Education, one representative of the National Institute of Housing and one representative of the Foreigners and Frontiers Service (Ministry of Internal Administration). Its functions are to attend to the living conditions of immigrants and inform itself of the measures and activities carried out by the various departments and institutions, and to determine the measures and strategies to be adopted by the sectors and departments working in the area that relates to the immigrant population and ethnic minorities. It designs and supports social and vocational integration programmes and activities, and coordinates and monitors the activities and programmes undertaken with the population. Lastly, it evaluates the results achieved. 88/

160. "It is the Chinese Government's policy to offer affirmative employment opportunities for minorities. Enterprises in minority areas are required to hire minorities first. In these areas, local governments set quotas for State enterprises to recruit workers from farming and pastoral communities." 89/

161. "The Mexican authorities responsible for migration have developed, individually or in cooperation with the Governments of the United States and Guatemala, a series of measures ... designed to combat certain manifestations of discrimination against the most vulnerable groups of the population, particularly migrant workers." 90/

162. Australia has allowed the indigenous inhabitants to take charge of a number of government programmes directed towards them. The Council for Aboriginal Reconciliation is coordinating a 10-year programme designed to promote better understanding between indigenous and other Australians. 91/

D. Strengthening of legislation against racism, racial discrimination, xenophobia and anti-Semitism

163. In Sweden, racial motives have since 1 July 1994 been regarded as an aggravating factor in criminal cases. 92/ The law also supplements the measures designed to prevent ethnic discrimination in the field of employment.

164. In France, a new Penal Code resulting from 1992 legislation went into effect in 1 March 1994. While the legislation does not affect the area of press offences, 93/ it does strengthen the penalties for certain racist offences (racial discrimination, aggravated desecration of graves, criminal liability of bodies corporate), and creates new offences (non-public racial provocation, non-public racial defamation and insults). Moreover, the act of 6 December 1993 on safety at sports events created the offence of exhibiting at a sports event a symbol that evokes a racist ideology.

165. Belgium has adopted a law which provides that persons denying that the gas chambers existed will be liable to a heavy fine and a sentence of up to one year's imprisonment. 94/

166. Italy has also strengthened its legislation, inter alia in relation to the dissemination of racist ideas. 95/

167. The Portuguese Government indicates that the new Penal Code, which will enter into force on 15 October 1995, contains a number of provisions to punish homicide aggravated by racial, religious or political hatred, slavery, genocide, racial discrimination, insulting behaviour for reasons of religious belief, desecration of a corpse or place of burial, public incitement to a crime, public expression of approval of a crime, and criminal association, or to prohibit terrorist organizations and terrorism. 96/ In addition, the dissemination or transmission of messages or programmes constituting an incitement to violence or contrary to the criminal legislation may be penalized under the legislation relating to the press, radio and television. Lastly, the law on fascist organizations prohibits violence and the upholding or dissemination of values, principles, institutions or methods such as war-mongering, violence as a form of political struggle, colonialism, and racism. Other reflections of this concern are to be found in the regulations on the status of deputies and the Political Parties Act, with regard to exercise of the right to air time. In the former case, being sentenced by a court for membership in an organization with a fascist ideology constitutes grounds for loss of the status of deputy. 97/

168. It must be noted that knowledge that the courts are ready to impose strict penalties constitutes a very persuasive deterrent factor. Nevertheless, non-application of the laws or imposition of inadequate or inappropriate penalties by the criminal courts may deter victims of racist behaviour from seeking redress in the courts. In a number of countries, an increase in the rigour of the legislation has led simply to the acquittal of accused persons guilty of committing racist acts on whom judges or juries did not feel that they should impose the exemplary penalties provided for by the law. 98/ Moreover, very often it appears difficult to prove the racist nature of an action or of the motivation which led to a given act. 99/ It would seem that the victims of racist acts seek redress in the courts only when the behaviour directed against them is sufficiently condemned by public opinion. The courts themselves tend to find the accused guilty only when they consider that the law, and hence the unlawful status of an action, is not out of line with the state of awareness of society as a whole.

E. Ratifications of and accessions to the International Convention on the Elimination of All Forms of Racial Discrimination

169. The recent ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination, in 1993 by Armenia, Bosnia and Herzegovina, the Czech Republic, the Republic of Moldova, and Slovakia, in 1994 by Albania, Switzerland, Turkmenistan and the United States of America, and lastly by Tajikistan in 1995, reflect the will of the international community to

combat racism and racial discrimination. In August 1995, the total number of signatories to the Convention was 143 States.

V. ACTION CONDUCTED BY CIVIL SOCIETY

170. Throughout the world, NGOs are playing an increasingly decisive role in the fight against racism, xenophobia and discrimination against women and children. Such organizations, especially those with a membership of women and young people, are established and mobilized, often without substantial administrative and financial resources, to combat all forms of discrimination, take control and embrace their cultural identity or actively live cultural pluralism. Such structures and actions should be encouraged.

171. Far from leaving the population of the countries in which they occur indifferent, racism and the reprehensible behaviour that results from it give rise to movements of solidarity with the victims, and also to mobilization of public opinion.

172. In Belgium, 5,000 people demonstrated in March 1995 in the centre of Brussels. This demonstration followed the signature by 1 million Belgians of a petition addressed to the Prime Minister calling for Belgian nationality to be conferred automatically on all immigrants who have lived legally in the country for at least five years.

173. Meetings of the Front National in France are also constantly the subject of counter-demonstrations. The death in Paris on 1 May 1995 of a Moroccan drowned in the Seine gave rise to many demonstrations against this extreme right-wing party.

174. The publisher of a Japanese magazine which contained a 10-page article entitled "The greatest taboo in post-war history: there were no Nazi gas chambers" decided to withdraw it from sale after protests from many Jewish organizations and after powerful industrial groups had threatened that they would no longer buy advertising space in the publications of the group in question.

175. Throughout the world, there are many associations whose actions in the field afford an effective example of opposition to racist and xenophobic sentiments. 100/ Some of them focus on a particular area, for example employment. 101/ It is regrettable that the activities of some of them cannot be continued for lack of funds.

VI. CONCLUSIONS AND RECOMMENDATIONS

176. Despite two decades of action by the United Nations, racial discrimination is on the rise, fed by economic, religious and social causes. Legitimized by a cloak of legality, xenophobia is becoming disturbingly commonplace. Greater mobilization is required at both the international and the regional, subregional and national levels in order to restore and ensure respect for the dignity of man.

177. The United Nations Decade for Human Rights Education, 1995-2004, should find expression in practical programmes for the teaching of human rights and cultural pluralism. UNESCO, the Centre for Human Rights and UNICEF, in particular, could play a decisive role in this area. States which are signatories to the International Convention on the Elimination of All Forms of Racial Discrimination and those which are parties to the Convention on the Rights of the Child and to the Convention on the Elimination of All Forms of Discrimination against Women should gradually make the teaching of human rights compulsory and effective at all levels in school and university cycles and in vocational training, literacy and post-literacy programmes.

178. The mass media must also be mobilized with the support of non-governmental organizations, at the level of both States and regional organizations, in order to ensure the periodic dissemination of human rights information. In addition, greater efforts must be made by the mass media to avoid propagating racist prejudice and stereotypes and to help the general public to form responsible critical opinions on the increasingly tragic events which tend to be trivialized in some circles. Efforts must be made to mobilize the funds necessary for the holding of a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance.

179. On the question of the ratification of the International Covenants on Human Rights, even as they exercise their sovereign rights, States should refrain from making reservations or should endeavour to withdraw those already made which are impeding the effective implementation of those Covenants.

180. States should be less restrictive and more liberal in the granting of visas to nationals of countries of the South and call on their populations to be more receptive to foreigners and to cultural interchange.

181. In the short term, as the United Nations strives for peace on several fronts, radical measures are urgently needed to curb radio stations that promote ethnic or racial hatred and to suppress clandestine radio stations which engage in such activities. The Special Rapporteur wishes to recommend that, following the example of the Simon Wiesenthal Centre, in France, the General Assembly should establish a mechanism for monitoring the use of the media to incite hatred.

Notes

1/ Through the computer network of the Centre for Human Rights, the Special Rapporteur had access to the annual report issued by the United States Department of State on the situation of human rights in every country in the world for 1994 ("Country reports on human rights practices for 1994").

2/ Meeting on 16 March 1995 of the Special Rapporteur with the Deputy Permanent Representative of the Permanent Mission of Israel to the United Nations Office at Geneva.

3/ Extract from a letter dated 1 February 1995 from Dr. Harris O. Schoenberg, Honorary President of the Consultative Council for Jewish Organizations.

4/ Extract from a letter dated 17 February 1995 from Mr. Tommy Baer, International President of B'nai B'rith, addressed to Mr. J. Ayala Lasso, United Nations High Commissioner for Human Rights.

5/ Extract from a letter dated 23 February from His Excellency Ambassador Morris Abram, President of United Nations Watch, addressed to the Special Rapporteur.

6/ Reply to the Consultative Council for Jewish Organizations dated 10 February 1995; reply to B'nai B'rith dated 16 March 1995; reply to United Nations Watch dated 16 March 1995.

7/ Middle East Watch/Women's Rights Projects, "Punishing the victim: rape and mistreatment of Asian maids in Kuwait".

8/ Extract from the communication from the Government of Kuwait dated 13 April 1995, original Arabic.

9/ Extract from the communication from the Government of Germany dated 21 March 1995.

10/ Letter dated 3 March 1995 from Mrs. Geraldine A. Ferraro, Ambassador and Head of the United States delegation to the fifty-first session of the Commission on Human Rights.

11/ Ibid.

12/ See the UNESCO literature cited in para. 24 of the report to the General Assembly at its forty-ninth session (A/49/677, annex).

13/ Jean-François Kahn, Tout change parce que rien ne change, Fayard, 1994, p. 328.

14/ Hannah Arendt, Du mensonge à la violence. Essais de politique contemporaine, Paris, Calmann-Lévy, 1972, p. 186.

15/ Kahn, op. cit., p. 315.

16/ Pierre-André Taguieff, La Force du préjugé. Essai sur le racisme et ses doubles, Paris, Gallimard, 1987, p. 16.

17/ See the study by the Turkish Political Psychology Centre, entitled Etiology of Racism in Europe, Ankara, 1994.

18/ Commission nationale consultative des droits de l'homme (CNCDR), 1994. La lutte contre le racisme et la xénophobie. Exclusion et droits de l'homme, Paris, La documentation française, 1995.

19/ Toulon (170,000 inhabitants), Marignane (32,000), and Orange (23,000).

20/ The New York Times, 3 February 1995.

21/ This case was reported by Amnesty International in the report Italy, alleged torture and ill-treatment by law-enforcement and prison officers, April 1995.

22/ Amnesty International, Romania, broken commitments to human rights, May 1995, p. 2.

23/ Roma National Congress, "Romnews", No. 24, 24 November 1994.

24/ Communication from the Government of the Czech Republic dated 28 July 1994.

25/ Europees Steunpunt Migranten en Vluchtelingen (ESMV); List of Events No. 2, Utrecht, February 1995.

26/ Canadian Human Rights Commission, 1994 Annual Report, Ottawa, Canada, p. 37.

27/ Ibid., pp. 37-38.

28/ United States Department of State, op. cit.

29/ Ibid.

30/ This figure is from a joint study by the University of Leiden and the Dutch Public Safety Service and reflects only racially motivated incidents that were reported.

31/ United States Department of State, op. cit.

32/ Joaquin Balaguer, La Isla al Revés. Haiti y el Destino Dominicano, Corripio, Santo Domingo, 1987, p. 41, quoted by the Quebec Committee for the Recognition of the Rights of Haitian Workers in the Dominican Republic.

33/ Ibid., p. 36, quoted by the Quebec Committee.

34/ The Washington Post, "Canada wakes up to rising home-grown hatred", 8 May 1995.

35/ Figure cited by ESMV in List of Events No. 6, Utrecht, June 1995.

36/ Human Rights Watch/Helsinki, Germany for Germans, Xenophobia and Racist Violence in Germany, 1995, p. 24. The report mentions numerous other cases of the harassment or intimidation of Blacks.

37/ Amnesty International, Italy, alleged torture and ill-treatment by law-enforcement and prison officers, appendix 1, pp. 6, 7, 9 and 11.

38/ Jeune Afrique, No. 1791, May 1995, p. 7.

39/ CNCDH, op. cit., p. 21.

40/ Ibid., p. 24.

41/ Ibid., p. 27.

42/ Cf. the case of Said Alaoui, referred to in the Amnesty International report on Italy cited above, appendix 1, p. 15.

43/ Figures cited by CNCDH, op. cit.

44/ According to CNCDH, 44 per cent of the anti-Semitic acts and threats occurred in the Île-de-France region between 1991 and 1994 (44 out of 101 and 248 out of 573, respectively).

45/ Reuters News Service, "Anti-Semitic crimes soar in Germany", 20 December 1994.

46/ Ibid., p. 27.

47/ ESMV, List of Events No. 2, Utrecht, February 1995, p. 4.

48/ According to the United States Department of State.

49/ The New York Times, 6 January 1995, p. 6.

50/ The International Herald Tribune, "East Asia's immigration crisis demands careful choices", 22 May 1995.

51/ Ibid.

52/ In particular, the series of working papers of the Migration and Population Branch of the International Labour Office: Lois Foster, Anthony Marshall, Lynne S. Williams, "Discrimination against immigrant workers in Australia", July 1991; Carl Raskin, "De facto discrimination, immigrant workers and ethnic minorities: a Canadian overview", February 1993; Shirley Dex, "The cost of discriminating against migrant workers: an international review", February 1992; Roger Zegers de Beijl, "Discrimination of migrant workers in Western Europe", December 1990.

53/ Alain Morice, article in Hommes et Migrations, May 1995, p. 33.

54/ ESMV, List of Events No. 2, op. cit. p. 10.

55/ Amnesty International, Italy, alleged torture and ill-treatment, op. cit., appendix 1, p. 1.

56/ Ibid., p. 4.

57/ Ibid., p. 12.

58/ Although they cannot be expelled, the parents are nevertheless often put under house arrest and prohibited from working.

59/ Ministerio Publico do Estado de São Paulo/UNICEF, Homicidios de crianças e adolescentes. Uma contribução para administração da justiça criminal em São Paulo, June 1995, p. 43.

60/ International Federation of Human Rights, Les assassinats d'enfants des rues à Rio de Janeiro et à São Paulo, Mission d'enquête, décembre 1994, p. 9. See also Centre for the Mobilization of Marginalized Populations, The Killing of Children and Adolescents in Brazil, Rio de Janeiro, 1989.

61/ United States Department of State, op. cit.

62/ Report of the Secretary-General on the situation of human rights in Burundi (E/CN.4/1995/66).

63/ Report of the Special Rapporteur of the Commission on Human Rights, Mr. René Dégni-Segui, on the situation of human rights in Rwanda (E/CN.4/1995/71, para. 15).

64/ Africans have long been accused of having spread the HIV virus throughout the world. Similarly, the epidemic resulting from the Ebola virus which raged in Zaire - and to which, as WHO announced on 24 August 1995, at least 300 victims succumbed before it was contained - made part of the population, which was swamped by the media with gloom-mongering, fear the progressive contamination of those parts of the world which maintained air links with that country.

65/ For instance, the voluntary use or otherwise of terms such as "rebel" rather than "armed opposition". The excessive use of the term "fundamentalist" applied exclusively to Muslims. Similarly, the profusion of details on the skin colour of such and such a person in an article dealing with various events.

66/ CNCDH, op. cit., p. 25.

67/ Cited by the World Federalist Movement in a communication dated 14 March 1995 addressed to the United Nations High Commissioner for Human Rights.

68/ Regard sur l'actualité No. 208, Paris, February 1995, La documentation française, p. 3.

69/ Extract from the communication dated 16 May 1995 from the Government of Mexico.

70/ Extract from the communication dated 20 June 1995 from the Government of Portugal.

71/ Information provided by the Government of Sweden in its communication dated 16 January 1995.

72/ United States Department of State, op. cit.

73/ The resolution was adopted in reaction to the attempted murder of four Roms at Oberwart on 5 February, and the bomb attack against the Croatian minority in a neighbouring village.

74/ As of that date, of the countries of the European Union, France, Germany, Greece and Luxembourg had not ratified the agreement.

75/ Figure published by the Federal Commissioner for the Concerns of Foreigners (Beauftragte der Bundesregierung für die Belange der Ausländer), quoted in Germany for Germans, Xenophobia and Racist Violence in Germany, Human Rights Watch/Helsinki, April 1995, p. 16).

76/ Ibid.

77/ Human Rights Watch/Helsinki, Germany for Germans, and Amnesty International, Federal Republic of Germany, Failed by the System: Police Ill-Treatment of Foreigners, May 1995.

78/ Including FAP (Freiheitliche Deutsche Arbeiterpartei), which according to The New York Times of 25-26 February 1995 is one of the largest.

79/ According to Associated Press.

80/ According to Reuters, 2 February 1995.

81/ The International Herald Tribune, 13 April 1995. The passages in question are ones in which the Jews are accused of having killed Christ because they were incapable of controlling their fanaticism and in which Jewish traditions and rights are presented as outlandish duties calling for circumcision and for the wearing of hats, according to The International Herald Tribune.

82/ According to Associated Press, 24 May 1995.

83/ E/CN.4/1995/78/Add.1, paras. 1, 3 and 12.

84/ Affirmative Action Review, Report to the President, by George Stephanopoulos, Senior Adviser to the President for Policy and Strategy, Washington, D.C., 19 July 1995.

85/ Memorandum from the White House to heads of executive department and agencies, 19 July 1995.

86/ Extract from the communication dated 16 March 1995 from the Government of Spain.

87/ United States Department of State, op. cit.

88/ Communication from the Government of Portugal, op. cit.

89/ Communication dated 17 May 1995 from the Government of China.

90/ Communication from the Mexican Government, op. cit.

91/ United States Department of State, op. cit.

92/ Communication from the Government of Sweden, op. cit.

93/ Contained in the 29 July 1881 Act on the Freedom of the Press.

94/ ESMV, List of Events No. 2, op. cit.

95/ CNCDH, op. cit., annex 5, "The different legislative approaches in Europe", p. 416.

96/ Communication dated 20 June 1995 from the Government of Portugal. These provisions are contained, in particular, in arts. 32, para. 2 (d), 159, 239, 240, 251, 254, 297, 298, 299, 300 and 301.

97/ Ibid.

98/ Thus, a court in Hamburg acquitted two neo-Nazis who had used a telephone message service designed to provide information on the activities of their group and describing the Auschwitz extermination camp as a myth. The two men were liable under German legislation to a penalty of up to five years' imprisonment.

99/ As the Government of Sweden notes in its communication cited above, there could not be full statistics on the nature and scope of racial discrimination in Sweden, in part because of the difficulties of proving such discrimination.

100/ Mention may be made for example of the activities in France of the non-governmental organization La Cimade (Service ecuménique d'entre-aide), which receives and advises asylum-seekers and foreigners in precarious situations and conducts information and awareness campaigns such as "Accuellir l'étranger" and "L'avenir de l'Afrique se dessine autrement", designed to eliminate certain prejudices and stereotypes that create racism, or, in the case of Africa, fatalism.

101/ The Mosaïques association, in the Paris region, directed its activities towards employers (those capable of integrating) in order to combat the many forms of discrimination to which immigrant workers are subjected. It had to discontinue its activities for lack of financing.